

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7710 of 2018

1. Bhavesh Mishra S/o Late Shree Ramganesh Mishra Aged About 33 Years R/o Village Serikheri Near Railway Over Bridge, Post Mandir Hasod, District- Raipur, Chhattisgarh.
2. Pooja Bajpai W/o Sumit Bajpai Aged About 41 Years R/o Opposite Central Bank, Civil Lines, District- Raipur, Chhattisgarh.
3. Smt. Sangeeta Sahu W/o Dinesh Sahu Aged About 32 Years R/o Divesh Auto Center, Vidhan Sabha Road, Mova, District- Raipur, Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through- Secretary, Skill Development Technical Education And Employment Department, Mahanadi, Bhawan, New Raipur, District- Raipur, Chhattisgarh.
2. Director Employment And Training Department, First Floor Block No.4 Indravati, Bhawan, New Raipur, District- Raipur, Chhattisgarh.
3. Secretary State Board Of Examination- Directorate Of Employment And Training, Sector-19 Utility Block Of Old Development Authority Building Atal Nagar, District- Raipur, Chhattisgarh.
4. Deputy Director (Establishment) Directorate Of Employment And Training, Indrawati Bhawan, Block- 04 First Floor, Atal Nagar, District- Raipur, Chhattisgarh.
5. Joint Director (Training) Directorate Of Employment And Training, Indrawati Bhawan, Block-04 First Floor, Atal Nagar District- Raipur, Chhattisgarh.
6. Joint Secretary Employment And Training Department, First Floor Block No. 4 Indravati, Bhawan, New Raipur, District- Raipur, Chhattisgarh.
7. Principal Govt Industrial Training Institute Raipur, Saddu, Opposite Of MGM Eye Hospital, Post- Saddu District- Raipur, Chhattisgarh.
8. Director Directorate Of Training (DGT), Employment Exchange Building, Pusa Campus, Near ITI Pusa Delhi.

--Respondents

For Petitioner : Mr. Gary Mukhopadhyay, Advocate.
For State : Mr. P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

06/05/2019

1. The present writ petition has been filed assailing the order dated 11.10.2018 is concerned whereby the representation filed by the petitioner pursuant to an order passed by this Court in WPS No, 4844 of 2018, 4658 of 2018 and 4654 of 2018 has been rejected.
2. The relevant facts of the present case is that all the petitioners herein are working as a training officer under the respondents. The petitioner No. 1 & 2 had been sent for CTI/ ATI training at the first instance and therefore they had become eligible for undergoing the second round of training but for the reason best known to the respondents the name of the petitioners 1 & 2 did not find place for undergoing the second round of training. So far as the petitioner No. 3 is concerned though initially she was found suitable for the first round of training but for the some reason the name of the petitioner was not reflected in the final list, candidates who were to undergo the first round of training.
3. Given the aforesaid reasons, the petitioners had filed writ petitions, i.e. WPS 4654 of 2018, 4658 of 2018 and 4844 of 2018 before this Court all of which, at the first instance, stood disposed of on 18.07.2018, 19.07.2018 and 27.07.2018 respectively, directing the State authorities to decide the respective

representation that each of the petitioner had filed. Vide the impugned order Annexure P-1, the representation that each of the petitioner had filed stood rejected which has led to filing of the present writ petition.

4. The reason for rejecting the representation of the petitioners was that the name of the petitioners was found reflecting in the report of SIT constituted on a complaint made before the Chhattisgarh Lok Ayog.
5. The further reason for rejecting the representation was that the document enclosed along with the representation could not be substantiated / verified.
6. The counsel for the petitioner referring to various documents that they have filed along with rejoinder submitted that there were enough document to establish the fact that the complaint which has been lodged or the SIT which was constituted, were totally uncalled for. The Counsel for the petitioner made a limited request that, let the matter be placed once again before the respondent No. 2 who in turn may be directed to reconsider the case of the petitioner for being sent for the appropriate training, each of the petitioners are entitled for. Counsel for the petitioner also prayed that let the respondent No. 2 take a fresh decision after due reconsideration of the documents that the petitioners have brought to the knowledge of the authorities concerned so far as genuineness of the claim of the petitioners for undergoing the said training is concerned.

7. The State counsel on the other hand opposing the petition submits that the reason for rejecting the representation is very clear as is reflected in the impugned order itself. According to the State Counsel, since there was a complaint received before the Chhattisgarh Lok Aayog and SIT was constituted to look into the veracity of the said complaint and the name of the petitioners were also reflected in the said SIT report, the decision to drop the petitioners from being sent for training was taken and it can not be therefore held to be in any manner illegal or arbitrary.
8. Having heard the contention put forth on either side and on perusal of records admittedly all petitioners are working as the Training Officer. All these petitioners, at that point of time, were found suitable for undergoing the CTI/ATI training.
9. The only ground for not sending the name of the petitioner was of their name being reflected in the report of the SIT constituted on a complaint made to the Chhattisgarh Lok Aayog. The document enclosed along with rejoinder, prime facie shows that the alleged complaint which has been lodged before the Chhattisgarh Lok Aayog has since been ordered to be closed.
10. Since SIT has already been proposed to be closed, the claim of the petitioners for being sent for further training, does not have any further hurdle. Moreover the respondent No. 2 does not seem to have properly appreciated / taken note of the documents which the petitioner had enclosed along with the representation.

11. Given the aforesaid facts, this Court is of the opinion that let the respondent No. 2 to reconsider the claim of the petitioners for being sent for the respective training for which they have been found suitable. While reconsidering the claim of the petitioners, the respondent No. 2 shall look into the aspect of the investigation having being closed. Let the respondent No. 2 therefore take an appropriate decision and pass a suitable order afresh at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioners to apprise respondent No. 2 so far as the order passed by this Court is concerned. The petitioners shall also have the liberty to make a fresh detailed representation to the respondent No. 2 in this regard, the contents of which shall also be borne in mind by the respondent No. 2 while deciding the case of the petitioners afresh.
12. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

jjyoti