

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.4129 of 2019

Pantengi Durga Prasad S/o Late Mallaiya Aged About 30 Years R/o Village Timmapur, Tahsil Usur, District Bijapur, Chhattisgarh.

---- Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through Secretary, Mineral Resources Department, Mahanadi Bhawan, Mantralay, Nawa Raipur, Atal Nagar, Chhattisgarh - 492001.
- 2.** Directorate of Geology and Mining Through Director, Indravati Bhavan, Block- 4, Second Floor, Nawa Raipur Atal Nagar, Chhattisgarh.
- 3.** The Collector Office Of Collector, Bijapur, District Bijapur, Chhattisgarh.
- 4.** K. Gangadhar Reddy Ambedkar Ward No. 5, Bijapur, District Bijapur, Chhattisgarh.

---Respondents

For Petitioner	:	Ms. K. Tripti Rao, Advocate.
For State	:	Shri Ayaz Naved, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.11.2019

- 1.** Challenge in the present Writ Petition is to the Annexure P/1, dated 26.09.2019 passed by the District Level Committee constituted by the Collector for the purpose of grant of quarry lease.
- 2.** The facts of the case is that, the respondents had issued a tender on 29.08.2019 for grant of quarry lease in respect of sand mine Bijapur-A(A-1 Tarlaguda). The petitioner being eligible for the participation had submitted his tender form. The selection process was to be decided by way of draw of lots. On 26.09.2019 draw of lot was held and the petitioner was found selected, however, vide Annexure P/1, dated 26.09.2019 the District Level Committee held the petitioner to be ineligible on account of the fact that the petitioner was a government employee discharging his duties as Rozgar Sahayak and the committee decided to have a fresh round of draw of lots made and it was again convened on the same day and the

respondent No.4 has been subsequently found selected for grant of quarry lease.

- 3.** The petitioner further submits that no final decision has been passed in favour of the respondent No.4 till now and the process is undergoing for finalizing grant of quarry lease. He further submits that the petitioner was not a government employee at all. The petitioner was only working as Rozgar Sahayak in the past and that too was on contract basis which under no circumstances can be said to be that of a government employee. Neither was there any disqualification for a contractual Rozgar Sahayak from participation in the tender process. It was also contended by the petitioner that on the date when tender was issued, in fact the petitioner was not working as Rozgar Sahayak and that his engagement as contractual Rozgar Sahayak was not extended by the Gram Panchayat Timmapur, District Bijapur beyond July, 2019. He has worked as contractual Rozgar Sahayak till July, 2019 and thereafter he has not discharged any duties as Rozgar Sahayak. Nor was the services of the petitioner as contractual Rozgar Sahayak extended beyond that. Thus, for all practical purposes, the petitioner was not a government employee on the date of tender or when the selection was held on 26.09.2019 and therefore, the cancellation of the selection of the petitioner is bad in law.
- 4.** The petitioner further submits that in terms of tender conditions, he has immediately raised objection to the respondent No.3 which till date has not been finalized and the petitioner has an apprehension that before deciding his representation/objection, the authorities may grant quarry lease in favour of the respondent No.4 which till date has not been finalized.
- 5.** Given the said factual matrix of the case as has been contended by the petitioner, this court is of the opinion that since the petitioner has already

filed objection before the respondent No.3 in terms of the tender conditions, ends of justice would meet if the writ petition is disposed of directing the respondent No.3 to consider and decide the contentions which the petitioner has raised in the objection before finalizing grant of quarry lease in favour of respondent No.4, if not finalized till date, or in favour of any other person arising out of the same tender proceedings drawn on 26.09.2019.

6. The Collector is directed to ensure that decision on the objection of the petitioner is finalized at the earliest before any further order is issued in favour of the person who has been selected in the subsequent selection. It shall be the responsibility of the petitioner to apprise the respondent No.3 so far as order passed by this court is concerned.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder