

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 152 of 2019

1. Kaushal Kumar Sahu S/o Ganesh Ram Sahu Aged About 32 Years
R/o Village Jaroud, Post Office Farfoud, Tahsil Arang, District
Raipur, Chhattisgarh

---- Petitioner

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
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 Director 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 Respondent/State	:	Mr. P. Acharya, Panel Lawyer

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

06/05/2019

1. With the consent of the parties, the matter was heard finally.
2. The Order under challenge in the present Writ Petition is to the impugned order dated 31.10.2018 (**Annexure P-1**). Whereby the representation, which the petitioner had filed before the respondents pursuant to the Order passed by this Court in WPS No. 6566 of 2018 on 04.10.2018.
3. The contention of the petitioner is that the petitioner was working with the respondents as a Training Officer and while working on the said post, they were sent initially for the first round of training i.e., Craftsman Instructor Training (CIT)/ATI training. The petitioner had undergone the first round of training and subsequently the grievance of the petitioner in the instant case is that the petitioner while working as Training Officer was initially selected for undergoing training of CIT/ATI as per Annexure P-4 dated 14.11.2017. The name of the petitioner appeared at Sr. No. 102, however, subsequently when the final list for sending the officer for training was published, the name of the petitioner did not find place. This led to the petitioner filing the writ petition on the early occasion i.e., WPS No. 6566 of 2018 and this Court vide Order date 04.10.2018 had directed the State Authority to decide the representation of the petitioner in this regard within a period of 45 days. Pursuant to the order passed by this Court on 04.10.2018, the impugned order dated 31.10.2018 was passed and his representation was rejected.

4. The Counsel for the petitioner submits that the reasons reflected for rejection of the representation is the name of the petitioner being included in the SIT Report in respect of an inquiry that was being conducted on a complaint lodged before the Chhattisgarh Lok Aayog.
5. The Counsel for the petitioner submits that the reason for rejection of the representation is not a ground which could be accepted, for the reason that in the Reply of the respondent/State it had filed in WPS No. 7710 of 2018 enclosed along with the rejoinder submitted by the petitioner there is a document enclosed, as a "Status Report" in respect of the different complaints which were being investigated by the Chhattisgarh Lok Aayog. From the said status report, it reveals that the SIT which is being referred to in the impugned order (Annexure P-1) has since been ordered to be closed and therefore the respondent authorities ought to have reconsidered the case of the petitioner for being sent for training for which he was otherwise entitled for, had his name not appeared in the SIT report?
6. The petitioner at this juncture, referring to the status report of the Chhattisgarh Lok Aayog reflecting the SIT, constituted having been closed to reconsider the case of the petitioner for being sent for the CIT/ATI training.
7. The State Counsel on the other hand, opposing the petition said that the reason for rejecting the representation is evident as is reflected in the impugned order itself.
8. According to the State Counsel, since there was a complaint

received before the Lok Aayog, an SIT was constituted to look into the veracity of the complaint and the name of the petitioner was reflected in the said SIT Report, hence the decision to drop the petitioner being sent for training was taken and it cannot be, therefore, said to be in any manner illegal or arbitrary.

9. Having heard the contentions put forth on either side and on perusal of record, what reflects is that except for the name of the petitioner being reflected in the SIT. There does not seem to be any other reason for not sending him for the training for the CIT/AIT courses. If, the document enclosed in writ petition along with the rejoinder in WPS No. 7710 of 2018 is taken note of it, prima facie, it appears that the SIT constituted has since been closed. If that be so, there is no reason, why the case of the petitioner should not be reconsidered by the department for being sent for the CIT/ATI training. Unless otherwise, the SIT is held to have not been closed.
10. Given the aforesaid factual matrix of the case, this Court is of the opinion that let the name of the petitioner be again scrutinized by the respondent No. 02, so far as sending the petitioner for CIT/ATI training is concerned. While considering the case of the petitioner, the respondent no. 02 shall look into the aspect of the SIT having been closed.
11. Let respondent no. 02 take an appropriate decision at the earliest and pass a suitable order afresh within a period of 60 days from the date of receipt of copy of this Order. It shall be the responsibility of the petitioner to apprise the respondent No. 02, so far as the order passed by this Court is concerned. The petitioner shall also have the

liberty to make a fresh detailed representation to the respondent No. 02 in this regard. The contents of which shall also be borne in mind by the respondent No. 02 while deciding the case of the petitioner afresh.

12. Accordingly, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge