

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 8323 of 2018

Juhi Kashyap D/o Shri Vinod Kumar Kashyap, Aged About 24 Years,
R/o Imli Para, Near Nagar, Nigam Complex, Ambikapur, District
Sarguja, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. Additional Director, Directorate Of Higher Education Department, Atal Nagar Raipur, Chhattisgarh.
3. Principal, Government College, Vishrampur, District Surajpur, Chhattisgarh.
4. Kiran Rajwade D/o Shri Shiv Narayana Rajwade, Aged About 26 Years, Government College Vishrampur, District Surajpur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Shantam Awasthi, Advocate.
For State	:	Shri Salim Kazi, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/01/2019

1. The challenge in the instant Writ Petition is to the order Annexure-P/1 dated 12/10/2018 whereby the services of the petitioner has been terminated.
2. The facts which led to the filing of the present Writ Petition is that, the petitioner had participated in the selection process on the post of Guest Lecturer (Botany) vide advertisement dated 02/07/2018. The petitioner stood meritorious in the subject and was accordingly granted appointment on the said post vide order dated 21/08/2018 - Annexure-P/5. The petitioner

reported for duty on the same day and assumed her duty as Guest Lecturer. The petitioner was discharging her duties for a period of 2 months when abruptly the impugned order Annexure-P/1 dated 12/10/2018 was passed.

3. Perusal of the impugned order would reflect that, the said order has been passed in pursuant to an interim order granted by this Court in WPS No. 5788/2018 dated 06/09/2018. The petitioner before this Court in the instant Writ Petition is an intervenor in the said Writ Petition i.e. WPS No. 5788/2018. As an intervenor, the present petitioner had in the said Writ Petition brought certain facts to the notice of the Court i.e. suppression of facts by the petitioners therein to the extent that in the advertisement dated 02/07/2018 the petitioners therein had all participated and many of them were successful and many of them were not successful and the petition has been filed only on behalf of those persons who were unsuccessful in the selection process. According to the petitioner herein, this fact has been suppressed from the Court and it was also suppressed from the Court that on account of the selection process being complete, the petitioner and similarly placed persons had already assumed their duties on their being appointed.

4. Perusal of record would show that, after obtaining of the interim relief on 06/09/2018, there had been no effective representation on behalf of the petitioner therein when the matters were called on more that couple of occasions. This Court finally vide its order dated 07/01/2019 has dismissed the said Writ Petition for want of prosecution and have also vacated the interim relief.

5. As a consequence the interim order getting vacated and the Writ Petition getting dismissed, nothing further remains for the State Government to defend the impugned order in the present Writ Petition dated 12/10/2018. Since the Writ Petition itself stands dismissed though for want of prosecution the interim order also does not survive any further therefore the impugned order so far as the petitioner is concerned is liable to the set-aside/quashed.
6. Needless to mention that, on the merits also it clearly reflects that the petitioner as well as the respondent No.4 both had participated in the recruitment process and the petitioner herein stood more meritorious than the respondent No.4 as is evident from Annexure-P/4 which gives the scorecard of the candidates who had participated in the selection process.
7. In the light of the dismissal of the Writ Petition (S) No. 5788/2018 and also on the vacating of the interim relief granted therein, the present Writ Petition deserve to be and is accordingly allowed.
8. As a consequence, the impugned order dated 12/10/2018 stands set-aside.
9. The respondents are directed to reinstate the petitioner forthwith in employment as Guest Lecturer on the post that she was appointed vide order dated 21/08/2018.
10. However, the petitioner would not be entitled for the salary part during the intervening period as she has admittedly not performed during the said period. However, the said period would be treated for all other purposes as period spent on duty.

11. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit