

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2371 of 2011**

Shashi Kumar Kashyap S/o Lekhram Kashyap aged about 46 years R/o
Village Chulghat Post Tah. And P.S. Takhatpur Distt. Bilaspur Chhattisgarh

---- **Petitioner**

Versus

1. The Chief Executive Officer Janpad Panchayat Tah. Takhatpur Distt. Bilaspur Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur, Chhattisgarh.
3. Kiran Kumar Kashyap, aged about 34 years, S/o Shri Deep Chand Kashyap, R/o village Barahi, Post and Tahsil Takhatpur, District Bilaspur Chhattisgarh.
4. Laxmikant, aged about 23 years, S/o Shri Teekaram Kashyap, R/o village Chulghat post and Tah. Takhatpur, District Bilaspur Chhattisgarh
5. The Collector, Bilaspur, Chhattisgarh
6. State of Chhattisgarh : through The Secretary, Government of Chhattisgarh, Department of Panchayat & Rural Development, DKS Bhawan, Mantralaya, Raipur Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Manish Nigam, Advocate
For State/Res. No. 1,2, 5 & 6	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent No. 3	:	Mr. Suresh Kumar Pandey, Advocate

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

02/07/2020

1. The present writ petition has been filed seeking for a limited relief for a direction to the respondents to conduct an enquiry in respect of the disability certificate on the basis of which the respondent No. 3 is said to have claimed his employment.
2. The contention of the Counsel for the petitioner is that the signature reflected in the disability certificate is not that of the respondent No. 3 and therefore there is serious doubt so far as the genuineness of the said disability certificate issued by the District Medical Board Bilaspur dated 03.05.2010 is concerned.
3. The plain visualizing the signature of the respondent No. 3 in the District Medical Board certificate dated 03.05.2010 and comparing to

the signature of respondent No. 3 in the affidavit filed with the writ petition, there seems to be a huge difference, thus there seems to be a genuine doubt in the mind of the petitioner in this regard.

4. Since the challenge is only to the genuineness of the said certificate and to ascertain to the extent whether the respondent No. 3 suffers from any disability or not, this Court is of the opinion that the writ petition itself can be disposed of by directing the respondent No. 2 the Chief Executive Officer of Zila Panchayat Bilaspur to enquire into the disability certificate submitted by the respondent No. 3 for his appointment/recruitment. If required, the respondent No. 2 can also refer the respondent No. 3 before the District Medical Board afresh so that the whole apprehension in the mind of the petitioner so also the Court can be laid to rest once and for all.
5. Considering the nature of dispute involved in the writ petition, this Court is of the opinion that the writ petition itself can be disposed of with the aforesaid directions, it is ordered accordingly.
6. It expected the respondent No. 2- The Chief Executive Officer, Zila Panchayat to take an appropriate decision at the earliest preferably within an outer limit of 3 months from the date of receipt of copy of this order.
7. Needless to mention that the respondent No. 3 is also expected to render full cooperation in the said enquiry. In the event, if the respondent No. 3 does not cooperate, the respondents would be free to take appropriate disciplinary action in accordance with the law governing the field.
8. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge