

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 147 of 2020**

*{Arising out of order dated 28.11.2019 passed by the learned Single Judge in
Writ Petition (S) No. 523 of 2009}*

- High Court of Chhattisgarh Through Its Registrar General, High Court of Chhattisgarh, Bodri, Tahsil Bilha, District Bilaspur Chhattisgarh.

---- Appellant**Versus**

1. Ku. Preeti Rani Chouhan D/o Shri Roop Singh Chouhan Aged About 34 Years R/o Papiha Gift Corner, Sadar Bazar, Bilaspur, District Bilaspur Chhattisgarh.
2. State of Chhattisgarh Through The Secretary, Department of Law, D.K.S. Bhawan, Raipur Chhattisgarh.
3. Shri Niwas Tiwari S/o Shyam Sundar Sharma R/o Village Kolha, Post Office Dhanwar, District Rewa Madhya Pradesh.

---- Respondents

For Appellant/High Court	:	Shri Ashish Shrivastava, Standing Counsel.
For Respondent No.2/State	:	Shri Vikram Sharma, Dy. GA.
For Respondent No.3	:	Shri Rajeev Shrivastava, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****24.02.2020**

1. This appeal is stated as preferred by the High Court of Chhattisgarh, being aggrieved of an interim order dated 28.11.2019 passed by the learned Single Judge of this Court in WPS No. 523 of 2009.
2. When the matter came up for consideration before this Court on 10.02.2020, we expressed our doubts with regard to the maintainability of

this appeal and sought for clarification/explanation from the part of the Registry as to the sequence of events. The said order is in the following terms:

“This appeal is stated as preferred by the High Court of Chhattisgarh against an interim order dated 28.11.2019 passed by a learned Single Judge of this Court in WPS No.523/2019.

The issue is in relation to the competitive examination held for selection of 'Civil Judge (Entry Level)' in the year 2008. It was demonstrated by the petitioner/respondent No.1 herein before the learned Single Judge that one particular part of her answer sheet i.e. Part-A, was never valued by the Valuer, which resulted in award of less marks to her and it is in said circumstance that interim order has been passed to cause the said part of the answer sheet to be valued by the authority concerned, giving further instructions to the Registrar (Selection & Appointment), High Court of Chhattisgarh to carry the petitioner's answer sheet to the Valuer and apprise him as to that part of the answer No.2 written by the petitioner which is to be evaluated.

By causing the said order to be challenged, the High Court has stepped into the shoes of a litigant as if the said order is prejudicial to the High Court. If that be so, appropriate decision had to be taken by the 'High Court', which means the 'Full Court' and not the Chief Justice or Registrar General or anybody else.

It is seen that present appeal has been filed through the learned lawyer representing the High Court as instructed and authorized by the Additional Registrar (D.E.), High Court, who has executed Vakalatnama dated 29.1.2020 to file such appeal. Under what authority has the said officer instructed the learned lawyer to file the appeal is a matter to be ascertained. If it was based on any decision taken by the Full Court to challenge the said order and if not, why and how such a proceeding could be caused to be instituted before this Court in the name of the 'High Court of Chhattisgarh' is a matter which is to be considered in detail.

Post the matter on 24.2.2020 so as to enable the learned counsel for the appellant to get instructions. The Registry is also directed to put-up a written explanation / note as to the sequence of events.”

3. The doubt was raised by this Court mainly for two reasons. Firstly, as to how the proceedings came to be filed without any resolution of the 'Full

Court' of the High Court to prefer an appeal. Secondly, by virtue of the statutory provisions, particularly, as per the proviso to Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006, no appeal is maintainable against an interim order.

4. Today, when the matter is taken up, Shri Ashish Shrivastava, the learned Standing Counsel for the High Court submits that the Appellant might be permitted to withdraw the appeal.
5. Incidentally, we take note of the fact that the various aspects pointed out in the order dated 10.02.2020 seeking for explanation from the Registry is being taken up separately on the administrative side. In the said circumstances, the permission sought for can be granted. It is granted.
6. Appeal stands dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge