

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4456 OF 2020**

- Kiran Painkra Daughter Of Shri C.S. Painkra, Aged About 27 Years Resident Of Village - Siharbud, Police Station And Tahsil - Kansabel, District- Jashpur (Chhattisgarh)

... Petitioner**versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District- Raipur (Chhattisgarh).
2. The Director Directorate Of Health And Family Welfare, New Raipur (CG)
3. The Divisional Joint Director Health Services, Surguja Division, Ambikapur, District- Surguja (Chhattisgarh).

... Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate.
For Respondents	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/11/2020**

1. Grievance of the Petitioner in the present Writ Petition is the action on the part of the Respondents in disallowing the claim of the Petitioner from being considered for promotion to the post of Staff Nurse.

2. The grounds or the reasons assigned for not considering the case of the Petitioner was that the Petitioner has done B.Sc. Nursing Course without obtaining prior permission from the authorities while working on the post of Woman Health Worker.

3. From the pleadings and the documents enclosed along with the present Writ Petition, it appears that subsequent to the Petitioner having done the B.Sc. Nursing course, the Petitioner was appointed on the post of Rural Health Coordinator on 27.4.2017 after successfully participating in the selection process and since then she is discharging her duties on the said post. However, now when the next promotion is due to the Petitioner on the post of Staff Nurse, the Respondents have vide Annexure P-1 declared the Petitioner to be ineligible.

The disqualification has been referred in Annexure P-1 is only in the Remark column without any specific order by the authorities concerned, more particularly without showing any circular/guideline which debars the Petitioner for being considered for promotion to the post of Staff Nurse.

4. Given the facts and circumstances of the case, the matter is remitted back to Respondent No.3 for a fresh consideration of the case of the Petitioner and to pass a reasoned and speaking order as to why the Petitioner would not be entitled for promotion to the post of Staff Nurse, particularly taking note of the fact that the Petitioner having done the B.Sc. Nursing course prior to coming into the employment on the present post and not taking permission from the authority, did not come in the way of the Petitioner for getting appointment on the post of Rural Health Coordinator as early as on 27.4.2017. Let Respondent No.3 take a decision in this regard, at the earliest, preferably within a period of 45 days from the date of receipt of copy of this order.

5. Writ Petition accordingly stands disposed of with the aforesaid direction.

Sd/-
(P. Sam Koshy)
JUDGE

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