

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2737 of 2012

- Jabar Singh S/o Shri Kashiram Aged About 31 Years R/o Village and Post Nagpur District Koriya C.G.

---- Petitioner

Versus

- 1.State of Chhattisgarh Through Secretary, Health and Family Welfare Department, Mantralaya, DKS Bhawan, Raipur C.G.
- 2.Collector Koriya, Baikunthpur Distict Koriya C.G.
- 3.Chief Medical and Health Officer, Baikunthpur, District Koriya C.G.
- 4.Dr. Gambhir Singh Thakur Ex CMO, Koriya, presently posted as Asst. Director Health, Ambikapur Distt. Surguja C.G.

---- Respondents

For Petitioner :- Mr. R.K. Gupta, Advocate.
For State/Respondents No. 1 to 3 :- Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/08/2021

1. Proceedings of this matter have been taken up through video conferencing.

2. Mr. R.K. Gupta, learned counsel for the petitioner, submits that the issue involved in the instant writ petition has already been decided by this Court in batch of writ petitions including WPS No.2275/2012 (**Deepak Kumar Pandey v. State of Chhattisgarh & another**), decided on 21.11.2012.

3. In Deepak Kumar Pandey (supra), this Court has held as under:-

“15. it is further well settled that if an appointment is illegal, which is not inconsonance with the constitutional scheme and also service rules have not been followed the appointment is non-est in the eye of law, which renders the appointment to be a nullity. (See: Ashok Kumar Sonkar v. Union of India & Others¹ and Municipal Corpn. Jabalpur v. Om Prakash Dubey²)

16. Having regard to the facts situation of the case, particularly considering the fact of method of selection and appointment thereon, which was illegal and was discovered subsequently in an enquiry after affording proper opportunity of hearing to the petitioners, interference with the impugned order is not warranted.

1 (2007) 4 SCC 54

2 (2007) 1 SCC 373

17. As a sequel, all the writ petitions, *sans substratum*, are liable to be and are hereby dismissed, leaving the parties to bear their own costs."

4. Accepting the statement of learned counsel for the petitioner, the instant writ petition is dismissed in terms of the order passed in Deepak Kumar Pandey (supra).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit