

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPS No. 2911 of 2012**

1. Surajbali Rajwade S/o Kapil Say Aged About 28 Years R/o Purana Mines H.No. 202, Bhatgaon Distt. Surajpur, Chhattisgarh
2. Smt. Sandhya Singh W/o Aged About 28 Years W/o Basant Singh, R/o New Bus Stand, Ambikapur Distt. Surguja, District : Surguja (Ambikapur), Chhattisgarh

-----Petitioners**VERSUS**

1. State of C.G. Through the Secretary Dept. of Health and Family Welfare Mantralaya DKS Bhawan Raipur, Chhattisgarh
2. Director Health Services Directorate, Health Service Raipur C.G., District : Raipur, Chhattisgarh
3. Divisional Joint Director Health Dept. Ambikapur Distt. Surguja C.G., District : Surguja (Ambikapur), Chhattisgarh
4. Chief Medical Officer, Ambikapur, District Surguja Chhattisgarh
5. Zainul Hasan Firdosi S/o Nurul Hasan Firdousi Ambikapur Distt. Surguja, (Ambikapur), Chhattisgarh
6. Rajendra Prasad S/o Baldev Das R/o Ambikapur Distt. Surguja District : Surguja (Ambikapur), Chhattisgarh
7. Brijesh Kumar Rana S/o Mahavir Singh Rana R/o Ramanujnagar, Distt. Surguja District : Surguja (Ambikapur), Chhattisgarh
8. Bhupendra Kumar S/o Ram Kumar R/o Barul, Tahsil Bhaiyathan, District : Surguja (Ambikapur), Chhattisgarh
9. Rajaram Sahu S/o Ram Bilas Sahu R/o Narayanpur Surajpur District : Surguja (Ambikapur), Chhattisgarh
10. Ghanshyam S/o Motilal R/o Village Bath, Tahsil Rajpur District : Surguja (Ambikapur), Chhattisgarh

-----Respondents

For Petitioners	: Mr. Rahul Agrawal, Advocate
For Respondents 5,6,8,9 & 10	: Mr. Ajay Pandey, Advocate
For Respondent-State	: Mr. Vimlesh Bajpai, Govt. Adv

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****15/09/2021**

1. Petitioners, being aggrieved by irregular selection process

conducted by respondent 4 and appointing Respondents 5 to 10 on the post of Lab Technician who were not possessing requisite qualifications as prescribed in the advertisement dated 11.04.2011, have approached this Court by way of this petition with the following reliefs.

“10 RELIEF(S) SOUGHT:-

10.1 That, this Hon'ble Court may kindly be pleased to quash the entire selection process for the post of Lab Technician (contract appointment) held as per advertisement dated 11.04.2011 and 22.08.2011.

10.2 That, this Hon'ble Court may kindly be pleased to quash the appointment of the respondent no. 5 to 21 as well as the final selection list.

10.3 Any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble Court deems fit in the circumstances of the case.”

2. Learned counsel for the petitioners would submit that Respondent 4 issued an advertisement published in the newspaper on 11.04.2011 calling applications from the interested candidates for appointment of Pharmacist Grade-II and Lab Technician. He submits that petitioners are challenging the recruitment/appointment process of Lab Technician in the advertisement. In Clause 1 of the conditions of appointment, it is mentioned that the candidates possessing Training Certificate from the recognized Institution of State of Chhattisgarh would only submit their applications. After completion of selection proceedings Respondent 4 has issued merit list in which candidates not possessing aforesaid Certificate from the training institute

recognized by State of Chhattisgarh were also selected. This was objected by some of the candidates by submitting representation before Respondent 2, 3 & 4 upon which Respondent 4 initially temporarily cancelled the appointment process but subsequently selected candidates were appointed and they were issued appointment orders on 5.5.2012. it is further contended that when in the advertisement itself one of the conditions imposed by the appointing authority is that of candidate should possess Training Certificate from the Institution recognized by the State of Chhattisgarh, than the candidates who were not possessing the requisite qualification and certificate could not have been appointed, hence, appointment of Respondents 5 to 10 is not sustainable.

3. Mr. Vimlesh Bajpai, learned State counsel and Mr. Ajay Pandey, learned counsel jointly submit that the advertisement was for appointment of Lab Technician on contract basis for a period of one year. Appointment orders were issued on 05.05.2012 wherein it was specifically mentioned that the appointment would up to 31.3.2013 or till regular appointment whichever is earlier. The period for which the appointment was made has already over, hence, no reliefs as sought by petitioners can be granted.
4. I have heard learned counsel for the parties and also gone through the record.
5. Perusal of relief 10.1 would show that the petitioners have sought relief for quashment of entire selection process for the post of Lab Technician (contract appointment). Annexure R-3 which is the appointment order issued in favour of respective Respondents

would show that their appointment order was for one year only up to 31.3.2013 which is already over.

6. In view of above, the relief sought for by the petitioners cannot be granted. By the flux of time, nothing remains in this writ petition for adjudication of this Court and the writ petition itself has rendered infructuous.
7. For the foregoing reasons, writ petition stands dismissed.

Sd/-
(Parth Prateem Sahu)
Judge