

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 2578 of 2013**

Manoj Choudhary S/o Late M. Choudhary, Aged about 45 years, State Computer Programmer, Office of Directorate, Employment and Training, Barran Bazar, Raipur Chhattisgarh, R/o A/12, Sector 1, Avanti Vihar, P.S. Telibandha, Distt. Raipur, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through the Secretary, Department of Technical Education, Manpower and Planning, Science and Technology, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.S. Naya Raipur, Distt. Raipur, Chhattisgarh.
- 2.Directorate Employment and Training through the Director, Distt. Raipur, Chhattisgarh.

---Respondents

For Petitioner	:- Mr. Pranjal Shukla on behalf of Mr. Varun Sharma, Advocate
For State	:- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/09/2021

1. Mr. Pranjal Shukla, learned counsel for the petitioner, would submit that petitioner's representation for regularization on the post of

Computer Programmer has been rejected by respondent No. 1 by impugned order dated 06/05/2013 (Annexure P/1) simply accepting the recommendations of the Public Service Commission as well as the Law Department without applying its own mind and without assigning any reason, which is illegal and without authority of law.

2. Mr. Animesh Tiwari, learned State counsel, would support the impugned order.
3. I have heard learned counsel for the parties at length.
4. A careful perusal of the impugned order would show that petitioner's representation (Annexure P/8) for regularization on the post of Computer Programmer has been rejected by respondent No. 1 by simply agreeing to the recommendation made by Public Service Commission and by the Law Department without applying its own mind and without assigning any reason for rejecting the said representation. The recommendation/advice of the Public Service Commission as well as the Law Department were only recommendatory in nature and the State Government ought to have considered their recommendations but also could have applied its own mind and considered petitioner's case on

merits in accordance with the applicable rules and regulations, but that has not been done and this is not a correct way of deciding representations. Accordingly, the impugned order dated 06/05/2013 (Annexure P/1) passed by respondent No. 1 is hereby set aside and respondent No. 1 is directed to consider petitioner's representation afresh in accordance with law and decide it within six weeks from the date of receipt of copy of this order by passing a reasoned and speaking order. Petitioner is at liberty to file additional representation (if any) within two weeks from today. It is made clear that this Court has not expressed any opinion on the merits of the matter.

5. Accordingly, this writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet