

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 787 of 2021**

1. Radheshyam S/o Sarju Prasad Aged About 29 Years R/o Village Sanawal , Tehsil Ramanujganj, District Balrampur , Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya , Naya Raipur , District Raipur Chhattisgarh.
2. Chief Secretary School Education Department , Mantralaya , Mahanadi Bhawan, Naya Raipur , District Raipur Chhattisgarh.
3. Director Directorate Of Public Education Chhattisgarh, Indravati Bhawan, Atal Nagar Naya Raipur , District Raipur Chhattisgarh.
4. District Education Officer Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
5. Commissioner Sarguja Division, Ambikapur Chhattisgarh.
6. Principal Swami Atmanand Government Excellence (English Medium) Higher Secondary School, Balrampur , District Balrampur Ramanujganj Chhattisgarh.
7. Office Of The Dean Swami Atmanand Government Excellence (English Medium) Higher Secondary School, Balrampur , District Balrampur Ramanujganj Chhattisgarh
8. Ku. Priyanka Jaiswal D/o Shri Munnu Prasad R/o Village Navadih Kala, Post Chando, District Balrampur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sharad Mishra, Advocate.
For State	:	Smt. Hamdia Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/02/2021**

1. The challenge in the present writ petition is to the order of appointment issued in favour of the respondent No. 8 on the post of Lecturer of Hindi.

2. The grievance of the petitioner seems to be the marks awarded to the respondent No. 8 in the course of considering the merits of the candidate's shortlisting. According to the petitioner as per the advertisement, a candidate would be entitled for two marks for each completed year of service so far as experience is concerned. Which means that in the event if a candidate has put in four years of service he/she is entitled for 8 marks. In the instant case, according to the petitioner, the respondent No. 8 has not completed four years of service, therefore he could not have been awarded eight marks, thus he has objected to the appointment issued to the respondent No. 8.
3. Perusal of the records would show that the respondent No. 8 has got an experience of more than 47 months and 14 days and it is forty seven and half months experience, thus it is short by only 15-16 days for completion of 48 months, which means the respondent No. 8 practically have got an experience of almost four year of service.
4. Given the facts and circumstances of the case, if the respondents have awarded eight marks to the Respondent No. 8 for experience, this Court does not find any illegality on the part of the respondents in awarding eight marks to the respondent No. 8 and thereby placing the respondent No. 8 over and above the petitioner who had no experience and was awarded zero so far as experience is concerned. There is no dispute to the fact that the Resp. no. 8 has not got the experience for this 47 months or that the claim in this regard is a false claim.

5. It is by now a well settled proposition of law that any candidate who has put in more than 6 to 8 months of service in a calendar year that would be rounded off and treated as one completed year for the purpose of considering the experience for awarding marks. In the instant case also, the same analogy has been applied by the respondents while awarding marks to the respondent No. 8.
6. For all the aforesaid reasons, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order of the appointment issued in favour of the respondent No. 8 and the writ petition thus being devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha