

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS NO. 1470 OF 2021**

Tirunee Kashyap, W/o Mahaveer Kashyap, aged about 37 years R/o House No. 980/1, Shanti Vihar Phe Colony, in front of Govt. School, Rajgamar Road, Kosabadi, Korba P.S. Korba, District Korba Chhattisgarh, PIN 495677.

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Department of Health Services, Secretariat, Mahanadi Bhavan, Naya Raipur, District Raipur (CG)
2. Director, Directorate of Health Services, Indrawati Bhavan, Naya Raipur, District Raipur (CG)
3. Chief Medical and Health Officer, Korba, District Korba (CG)

... Respondents

For Petitioner	:	Mr. Amit Sharma, Advocate.
For Respondents	:	Mr. Rahul Jha, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/03/2021**

1. The defaults pointed out by the Registry of this Court in the instant case stand ignored.
2. Heard the matter finally at admission stage itself, with the consent of learned Counsels appearing for the parties.
3. Grievance of Petitioner in the present Writ Petition is the declaring of Petitioner as ineligible for recruitment to the post of ANM on the ground that the Petitioner did not have the domicile certificate at the time of applying for the said post and the same was obtained much after the submission of application form.
4. Contention of learned Counsel for Petitioner is that the advertisement clearly reflected the clause wherein it was said that the candidates to carry the domicile certificate along with them at the time of document verification, which by itself means that the Petitioner would not have got the domicile certificate on any date prior to the date of verification of documents and therefore the action on the part of Respondents in declaring the Petitioner to be ineligible is arbitrary and bad in law.

5. Per contra, learned State Counsel submits that the application which the Petitioner has filled at the time of submitting her candidature had a clause i.e. column 7 which specifically has asked whether the candidates have a domicile certificate in their possession and the Petitioner has answered in affirmative holding that she has the domicile certificate which she did not have on the date of submission of application and the same was obtained much after the application was submitted by her, which itself is sufficient to firstly reach to a conclusion that there was a material suppression of fact by Petitioner and secondly the Petitioner did not have the domicile certificate on the date of submission of her application and thus the action on the part of Respondents cannot be said to be arbitrary or bad in law.

6. Having heard the contentions put forth on either side and on perusal of record, it would be relevant at this juncture to take note of 'column 7' of the application form which the Petitioner had filled and where the question was asked whether the Petitioner has the domicile certificate issued in her favour or not and the Petitioner answered in affirmative holding that she has the said certificate. However, on perusal of record, it would reveal that the domicile certificate which the Petitioner has obtained was one which was issued on 2.9.2020 that is much after the application form submitted by her which by itself proves that the contents mentioned by Petitioner in her application against column 7 were incorrect. In view of the same, if the Respondents have declared the Petitioner to be ineligible the same cannot be said to be in any manner either malafide or arbitrary.

7. Writ Petition thus being devoid of merits deserves to be and is accordingly dismissed.

/Sharad/

Sd/-
(P. Sam Koshy)
JUDGE