

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3366 of 2021**

Santosh Kumar Sahu S/o Deraha Ram Sahu Aged About 33 Years R/o Tanaud, District And Tahsil Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Health And Family Welfare, Mahanadi, Post Office And Police Station Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Director Directorate Of Health Services Chhattisgarh Indrawari Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh
3. Chief Medical And Health Officer District Janjgir Champa Chhattisgarh
4. Joint Secretary And Mission Director National Health Mission, Office Of National Health Mission, 4th Floor, Chhattisgarh Housing Board Commercial Complex (South East Corner), Sector 27, Nava Raipur Atal Nagar Chhattisgarh
5. Kishore Kumbhkar S/o Purushottam Kumbhkar Aged About 25 Years R/o Near Ramjanki Mandir, Sajjan Nagar, Tikrapara Raipur Chhattisgarh

----Respondents

For Petitioner	:	Ms. Juhi Jaiswal, Advocate
For State	:	Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/07/2021**

1. The petitioner in the present writ petition seems to be aggrieved of the candidature of the respondent No.5 for the post of Ophthalmic Assistant for District Janjgir-Champa.
2. The petitioner and the respondent No.5 both had applied for the said post under the advertisement that was issued on 24.02.2020. According to the petitioner, in terms of the advertisement the

domicile from District Janjgir-Champa had to given certain preferential treatment and the respondent No.5 though is not a resident of District Janjgir-Champa has projected and claimed himself to be a resident and domicile of District Janjgir-Champa and has perhaps got certain preferential treatment and thus has found place in the order of merit and the next candidate in the merit list is the petitioner and in case if it is found that the claim of the respondent No.5 of being a domicile of resident of District Janjgir-Champa to be incorrect, then merit of the respondent No.5 may get affected and thereby the petitioner may have a chance. The petitioner submits that he has already highlighted all these facts in a complaint/objection/representation to the respondent No.3, but the said application/objection has till date not been considered.

3. At this juncture, counsel for the petitioner submits that they have also obtained document to show that the respondent No.5 had also applied for the same post for District Bastar and wherein he has categorically stated that he is a resident of District Raipur and similar application was also made by him for the post at District Raigarh also. The petitioner would be at liberty to bring all these facts to the notice of the respondent No.3 and thereafter the respondent No.3 shall take an appropriate decision after due scrutiny of all the documents and take an appropriate decision in so far as the candidature of the respondent No.5 is concerned.
4. Let an appropriate decision be taken by the respondents No.2 & 3 at the earliest preferably within a period of 45 days from the date of receipt of the copy of this order. Meanwhile, any recruitment or appointment orders that are issued, the same shall be strictly

subject to the outcome of the findings of the respondents No.2 & 3.

Any decision by the respondents No. 2 & 3 shall also be after taking into confidence the respondent No.5 as well.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved