

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4046 of 2021

1. Gulsher Ali S/o Late Shri Sheikh Ali, Aged About 42 Years R/o Village Danikundi, Post Banshital, Block Marwahi, District Gourela Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh
2. Smt. Tikavati, D/o Shri Khunnulal, Aged About 47 Years R/o Village Mariyadand, Post Rumga, Block Marwahi, District Gourela Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh
3. Rajesh Kumar, S/o Late Shri Ramratanpuri, Aged About 36 Years R/o Village And Post Usad, Block Marwahi, District Gourela Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh
4. Santosh Kumar, S/o Shri Bahor Singh, Aged About 38 Years R/o Village And Post Rumga, Block Usad, District Gourela Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh
5. Dilip Rai, S/o Shri Hari Prasad Rai, Aged About 40 Years R/o Village Bagdad, Post Bagdad, Block Marwahi, District Gourela Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Tribal Development, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. District Education Officer, Gourela Pendra - Marwahi, District Gourela Pendra - Marwahi Chhattisgarh.
3. Assistant Commissioner, Department Of Tribal Development, Gourela Pendra - Marwahi, District Gourela Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh
4. Ashok Kumar Maravi, S/o Belan Singh Gond, Working As Peon, At Government Higher Secondary School, Marwahi, District Gourela Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh

---Respondents

For Petitioners	:	Shri Ajay Shrivastava, Advocate.
For State	:	Shri Shubham Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.08.2021

1. The challenge in the present writ petition is the action of the respondents in not granting the benefit of regularization to the petitioners though the benefit has been extended to a person junior to the petitioners i.e. respondent no.4.

2. Counsel for the petitioner submits that right from the time of appointment, the petitioners were either similarly placed or were senior to respondent no.4 but when the question of regularization came, ignoring the claim of the petitioners, only the case of respondent no.4 has been considered by respondent no. 2&3. He further submits that the petitioners have already made a detailed representation to respondent no.2 in this regard and the same is pending consideration before the authority, therefore, prays for a direction to the respondents 2 & 3 to take an appropriate decision on the representation of the petitioners.
3. Given the aforesaid nature of dispute which the petitioners have raised in the present writ petition, this Court is of the opinion that no fruitful purpose would serve in admitting the petition and keeping in pending. Rather ends of justice would meet if the respondents are directed to reconsider the grievance of the petitioner and pass an appropriate order at the earliest considering the objections and contentions which they have raised in their representation. The petitioners are directed to file a fresh representation in addition to the representation that they have made supported with all relevant documents in respect of their claim. Subject to the petitioners filing a fresh representation within a period of 10 days from the date of receipt of copy of this order, respondents 2 & 3 shall scrutinize the same on merits and pass a detailed order within a further period of 90 days thereafter.
4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge