

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceeding through video conferencing****WA No. 220 of 2021**

(Arising out of order dated 25-03-2021 passed in WPS No. 1851 of 2021 and order dated 09-07-2021 passed in Review Petition No.104 of 2021 by the learned Single Judge)

1. Manish Kumar Yadav S/o Hori Lal Yadav Aged About 41 Years Resident of Rajkishore Nagar, Chandan Awas, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
2. Krishna Kumar Meena S/o Jaynarayan Meena Aged About 27 Years Resident of Village Rambas, P.O. Ancheri, Tahsil Baswa, District Dausa Rajasthan.
3. Gopal Krishna Painkra S/o Shri Nanhu Ram Paikra Aged About 30 Years Resident of Village Ward No. 09, Jhap Para, Gharghoda, Police Station Gharghoda, District Raigarh Chhattisgarh.
4. Janak Ram Kurre S/o Shri Devcharan Kurre Aged About 31 Years Resident of Suhela, Post Suhela, Police Station Suhela, Tahsil Simga, District Baloda Bazar Bhatapara, Chhattisgarh.
5. Hajari Lal Meena S/o Shri Prabhati Lal Meena Aged About 28 Years Resident of Village Lanki, Post Devti, Tahsil Rajgarh, Police Station Thela, District: Alwar, Rajasthan.
6. Rahul Sharma S/o Ramkhilawan Sharma Aged About 27 Years Resident of Village Jaroud Simga, District Baloda Bazar Bhatapara Chhattisgarh.
7. Harikesh Meena S/o Shri Jainarayan Meena Aged About 28 Years R/o Village Pahadi Miran, Post Manchi, Tahsil And District Karuali (Rajasthan) District Karauli Rajasthan.
8. Jagram Meena S/o Shri Devi Charan Meena Aged About 27 Years R/o Village Vairandapura, Post Chhawar, The Masalpur, District Karauli, Rajasthan.
9. Harkesh Meena S/o Shri Ramswroop Meena Aged About 28 Years R/o Patouran, Post Konder, Tahsil And District Karauli, Rajasthan.
10. Uday Singh Meena S/o Bacchu Singh Meena Aged About 28 Years R/o Village Barriya, Police Station Kudgaon, Tahsil And District Karauli, Rajasthan.

---- Appellants**Versus**

1. Food Corporation of India Regional Office, Vidhan Sabha Road, Kapa, Mowa Raipur, District Raipur Chhattisgarh.
2. Food Corporation of India Headquarters, 16 - 20, Barakhamba Lane, New Delhi 110001.

---- Respondents

For Appellants	-	Shri Parag Kotecha, Advocate with Shri Vivek Kumar Agrawal, Advocate.
For Respondents	-	Shri R.S. Patel, Advocate.

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice

Hon'ble Shri Naresh Kumar Chandravanshi, J.

Judgment on Board

By

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.

10/08/2021

1. Heard.
2. In this intra Court appeal challenge is to the order passed by learned Single Judge refusing to issue mandamus to the respondents – Food Corporation of India (F.C.I.) for early conclusion of the recruitment process for the post of Watchman for Chhattisgarh region.
3. In the order passed in the writ petition, it is mentioned that since the matter is under the investigation by the Central Bureau of Investigation (C.B.I.), the respondent authority cannot be blamed for not proceedings further with the recruitment process. However, the Court expected that the respondent authority shall take appropriate steps either dropping the entire recruitment process or continue with the recruitment process by completing the same immediately after the C.B.I. communicates to the respondents.
4. In the review petition filed by the petitioners, the learned Single Judge has deleted the said part of the order, wherein there was reference of C.B.I. investigation. However, as informed by learned Standing counsel

for the F.C.I., the matter has already been sent for expert report to the Central Forensic Science Laboratory, Hyderabad and the department would be taking a decision immediately on receipt of the report from the said laboratory. Learned Standing counsel also submitted before the Court that they have also sent a reminder to the laboratory for an expeditious submission of report.

5. Shri Parag Kotecha, Advocate appearing with Shri Vivek Kumar Agrawal, Advocate for the appellants submits that in other region, appointments have already been made. Therefore, there is no impediment for the F.C.I. to proceed further in the matter but yet the recruitment process is not finalized.
6. Having heard Shri Parag Kotecha, learned counsel for the appellants and learned Standing counsel for the F.C.I., we are of the view that no interference in this intra Court appeal is called for. Once statement has been made by learned Standing counsel for the F.C.I., we hope that the F.C.I. shall proceed further in the matter immediately on receipt of report from Central Forensic Science Laboratory, Hyderabad. If the recruitment process remains pending for unreasonably long period, the petitioner would be at liberty to move afresh before this Court.
7. Accordingly, the present writ appeal stands dismissed subject, however, to the above observations.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(N.K. Chandravanshi)
Judge

Amardeep