

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 341 of 2021**

Shri A.C. Sannat S/o Late Shri K.P. Sannat Aged About 49 Years Working
As Assistant Grade 2, Posted At CIMS Hospital, District- Bilaspur,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Dean Chhattisgarh Institute Of Medical Sciences (CIMS) District- Bilaspur, Chhattisgarh
3. Medical Superintendent Chhattisgarh Institute Of Medical Sciences (CIMS) Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Anusha Naik, Advocate
For State	:	Mr. Shreshta Gupta, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/02/2021**

1. The grievance of the petitioner in the present writ petition is the rejection of the objection made by the petitioner to the provisional seniority list published.
2. The rejection of the objection was on 17.07.2020 (Annexure P/3). The rejection of the objection was not on merit, but on the ground that the same has been submitted beyond the 15 days period provided for submission of the objection.
3. The contention of petitioner is that the objection in fact was submitted within 15 days time. According to the petitioner, the provisional was published on 01.06.2020 and the objection raised by the petitioner was submitted in the office of the respondent No.3 on

15.06.2020 as would be evident from Annexure P/2 enclosed along with the writ petition.

4. Be that as it may, since the respondents, while publishing Annexure P/3 on 17.07.2020, does not dispute the fact that they have not received the objection in all fairness. The respondents authorities should had considered the objection on merits rather than deciding the application on hyper-technical ground of the same not being filed strictly within the stipulated period of 15 days time. Moreover, what is also required to be considered by the authorities concerned is that for the purpose of publication of the seniority list/gradation list, the respondents have to keep in mind the rules of seniority governing the field, which in the instant case has been highlighted by the petitioner in the objection that they have raised so far as the provisional list is concerned.
5. For the aforesaid reasons, the writ petition at this juncture stands allowed, the impugned order Annexure P/3 dated 17.07.2020 is set-aside/quashed and the respondents No.2 & 3 are directed to ensure that the objection of the petitioner is duly considered in accordance with the Rules governing the field on its own merits at the earliest preferably within a period of 30 days from the date of receipt of the copy of this order
6. With the aforesaid observations, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge