

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 347 of 2021**

Himanshu Namdeo S/o Shri Umesh Kumar Namdeo Aged About 29
Years R/o Ganga Nagar, Sector - 2, Bilaspur, District Bilaspur
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Urban Administration And
Development Department, Mahanadi Bhawan, Mantralaya New Raipur,
Atal Nagar, District Raipur Chhattisgarh
2. Director Directorate Of Chhattisgarh Public Instruction, Indravati Bhawan,
Naya Raipur, District Raipur Chhattisgarh
3. Municipal Corporation Bilaspur Through Its Commissioner Bilaspur
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Kapil Maini, PL
For respondent no.3	:	Mr. Pankaj Agrawal, Advocate

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

1. The challenge in the present writ petition is to the Annexure P-1
whereby respondent no.3 has declared the petitioner ineligible for
selection to the post of Sub Engineer(Civil) only on the ground that
petitioner does not have live registration at the concerned
employment exchange.

2. So far as requirement of registration with an employment exchange being mandatory, the said issue has already been dealt with by the Full Bench of High Court of Chhattisgarh in the case of **State of Chhattisgarh & Anr. Vs. Roshni Sahu, W.A. 411/2014** & other analogues writ petitions and the said judgment of the Full Bench still holds good and this High Court also subsequently following the full bench judgement, have in various judgments held that non registration with employment exchange would not be a disqualification from being considered for employment keeping in view the judgments which have been laid down by the Supreme Court in the case of **Union Of India & Others Vs. Pritilata Nanda, (2010) 11 SCC 674**.
3. Given the aforesaid legal position as it stands, this Court prima facie is of the opinion that holding of the petitioner disqualified only on the ground of the non registration at an employment exchange does not seem to be proper, legal and justified. However, since the objections have been called vide Annexure P-1 and to which the petitioner has already submitted his objections and respondent no.3 has forwarded the objections to respondent no.1. it is directed that respondent no.1 shall take appropriate decision on the said proposal forwarded by respondent no.3 at the earliest preferably within a period of 45 days taking into consideration the aforesaid observations that this Court had made and also keeping in view the judicial pronouncements on the subject.
4. Respondent no.3 is directed to pursue the matter with respondent no.1 and get an appropriate decision within the time frame given by

this Court. Meanwhile, respondent no.3 should ensure that one post of Sub Engineer(Civil) for 45 days is not filled up pending the claim of the petitioner.

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

Sd/-
(P. Sam Koshy)
Judge

Rohit