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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 111 of 2019**

Sannu Dahariya, D/o Shri Shivnandan Dahariya, aged about 34 years, presently posted as Staff Nurse, at Community Health Center Katghora, Police Station Katghora, Tahsil – Katghora, District Korba (C.G.), Pin Code 495445, Mob. 8109033927.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Health Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
2. Chief Medical and Health Officer Korba, Tahsil and District Korba (C.G.)
3. Collector Korba, Tahsil and District Korba (C.G.)
4. Superintendent of Police Korba, Tahsil and District Korba (C.G.)
5. Mr. Fage Ram Kumbharkar, aged about 63 Years, Former Chief Medical And Health Officer Korba, Tahsil and District Korba (C.G.)
6. Sushma Pathak S/o Shri Raghavendra Pathak Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
7. Ku. Priyanka Barsagade D/o Shri Rajkumar Barsagade Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
8. Ku. Mojesta Lakara D/o Shri George Lakara Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
9. Ku. Premlata Pandey D/o Shri Ramakant Pandey Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
10. Rajani Kumari Gautam D/o Shri Rohini Singh Gautam Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
11. Jyoti Sharma D/o Shri Kamlesh Sharma Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
12. Priyanka Netam D/o Late Shri Vinod Netam Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)

13. Smt. Chandrika Sahu W/o Shri Neelkanth Sahu Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
14. Umeshwari Tarak D/o Shri Domar Singh Tarak Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
15. Rama Kumari Sahu D/o Shri Mahesh Ram Sahu Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
16. Ku. Sandeepa Sahu D/o Shri Chhabilal Sahu Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
17. Jyotsana Kashyap D/o Shri Chandika Prasad Kashyap Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
18. Madhavi Kashyap D/o Shri Ramyan Prasad Kashyap Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
19. Basanti Sahu D/o Shri Johit Sahu Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
20. Ku. Sita Sahu D/o Shri Rama Sahu Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
21. Prabha Devi Rathore D/o Shri Anil Kumar Rathore Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
22. Ku. Santoshi Marar D/o Shri Jagadish Prasad Marar Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
23. Chhaya Shendey D/o Mahendra Shendey Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
24. Kamleshwari D/o Bhuruwa Ram Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
25. Shubhangi Maankey D/o Sunil Maankey Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
26. Smt. Vaishakhi Baghel W/o Kamlesh Baghel Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
27. Rani Bhargav D/o Bhagwat Prasad Bhargav Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
28. Shimmi John D/o Aamosh John Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)

29. Chandrakala Sinha D/o Pyari Ram Sinha Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
30. Himani Tiwari D/o Ramesh Kumar Tiwari Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
31. Lalita Nag D/o Biraaji Nag Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
32. Poonam Verma D/o Murli Ram Verma Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
33. Sunita Kumri Kashyap D/o Kanhaiya Lal Kashyap Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)
34. Hemlata Sahu W/o Dihulal Sahu Through The Chief Medical And Health Officer, Korba Tahsil And District Korba (C.G.)

---- Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Rajni Soren, Advocate.
For Respondents No. 1 to 4	:	Mr. Sudeep Agrawal, Deputy Advocate General.
For respective Respondents	:	Mr. Vivek Kumar Agrawal, Advocate.

Hon'ble Shri Arup Kumar Goswami, Chief Justice

Hon'ble Shri Justice Sanjay Agrawal, Judge

Order on Board

Per Arup Kumar Goswami, Chief Justice

14.12.2021

Heard Ms. Rajni Soren, learned counsel for the petitioner. Also heard Mr. Sudeep Agrawal, learned Deputy Advocate General appearing for respondents No. 1 to 4 and Mr. Vivek Kumar Agrawal, learned counsel appearing for respondents No. 5 to 9, 11 to 15, 17, 18, 22, 28, 30 and 33.

2. This public interest litigation is filed questioning the selection and appointment of respondents No. 6 to 34 to the post of 'Auxiliary Nursing Midwifery' (ANM).
3. The petitioner herself is a Staff Nurse under the Health Department of the Government of Chhattisgarh.
4. An advertisement was issued for recruitment of 154 ANM on 03.05.2012 and appointment orders were subsequently issued on 10.10.2012 and 02.08.2013.
5. This petition came to be filed after about 6 years on 18.11.2019.
6. Ms. Rajni Soren submits that respondents No. 6 to 23 were listed in the waiting list, but without offering appointment to the selected candidates whose names figured in the merit list, they have been appointed.
7. It is significant to note that none of the selected candidates have approached the Court alleging that they had been illegally deprived of getting appointment and that respondents No. 6 to 23 have been appointed in their places.
8. Mr. Agrawal submits that as some of the selected candidates in the merit list did not join, appointments were offered to the respondents No. 6 to 23. He further submits that out of 154 posts, 87 posts were reserved for General Category, 37 posts were reserved for Schedule Tribe Category, 20 posts for Schedule Caste candidates and 10 posts for other backward candidates. The marks obtained in ANM training course was the sole criteria for preparation of the merit list. 64 candidates were appointed from Korba District and 76 candidates from other than Korba District. 10 posts under Schedule Tribe Category and 4 posts from Schedule Caste Category remained vacant due to non-availability of candidates in their respective categories.

9. Subsequently, documents submitted by the 6 candidates were found to be false and 5 selected candidates had submitted their resignation, resulting in 11 vacancies which were then filled up by 11 candidates, who are arrayed as respondent Nos. 24 to 34, on the basis of marks obtained in the ANM training course. It is submitted that this Court may not entertain this public interest litigation in a service related matter, more so, when no application is filed by any candidate alleging any illegality in the recruitment process.

10. In *Duryodhan Sahu (Dr.) vs. Jitendra Kumar Mishra*, reported in (1998) 7 SCC 273, the Hon'ble Supreme Court has opined that in service matters, public interest litigation ought not to be entertained.

11. In *Central Electricity Supply Utility of Odisha vs. Dhobei Sahoo & Others*, reported in (2014) 1 SCC 161, the Hon'ble Supreme Court again reiterated that public interest litigation would not be maintainable except as far as it relate to a writ of *quo warranto*.

12. On due consideration, we are of the considered opinion that this public interest litigation ought not to be entertained any further and accordingly, the same is closed. No cost.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge