CGHC010148442026 2026:CGHC:43002

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3785 of 2026

Usta Ram Jagat S/o Late Hathi Ram Jagat Aged About 65 Years R/o New Shanti Nagar Road, Behra Colony, Pandri Raipur, Ditt. Raipur C.G.

... Petitioner(s)

versus

JYOTI SHARMA
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Date: 2026.10.05 16:53:35 +0530

1. The State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, New Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur District Raipur (C.G.)

2. The Director Department Of Medical Education, Old Nurses Hostel, Dks Bhawan, Raipur District Raipur (C.G.)

3. Dean Pt. Jawahar Lal Nehru Memorial Medical College, District Raipur (C.G.)

4. Joint Director Directorate Of Treasury Accounts And Pension District Raipur C.G.

5. Secretary, Department Of Finance, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Raipur, District Raipur (C.G.)

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. Akash Kumar Kundu, Advocate
For Respondent/ State	:	Mr. Shahil Singh, P.L.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

05.10.2026

1. Learned counsel for the parties jointly submits that the issue involved in this writ petition has already been considered and

decided by the Coordinate Bench of this Court vide judgment dated **31.05.2024** passed in **WPS No. 1453 of 2021 and other connected matters**, wherein the Coordinate Bench of this Court held as under:-

> "18. Thus, the point No.1 is answered in favour of the petitioners by directing the respondents to fix the pension/family pension of the petitioners as per the last drawn salary and all other permissible retiral dues within 3 months from the date of receipt of copy of this order.
>
> 19. As per the Recruitment Rules of 1989, the Dean Medical College was the appointing authority and as such, it was not required to the Dean Medical College to get approval of the Promotion order of the petitioners as the recruitment rules which has statutory force do not provide any such procedure for getting approval from the Secretary of the department. Rule 20 of the said rule provides power of relaxation which is lying with the His Excellency, the Governor. There is no such provision has been placed on record even the relaxation power has been delegated to the Secretary Medical Education or the Director Medical Education, therefore, in these circumstances it was not required for the Dean Medical College, Raipur to send the matter for approval to the Secretary. Thus, the issuance of memo dated 25.01.2023 and 23.03.2023 have no relevancy on the issue Accordingly, the point No. 2 is decided in favour of the petitioners by holding that the Secretary, Medical Education or the Director, Medical Education has no role to play in appointment of the petitioners being Class III and Class IV employees whose appointing authority is the Dean, Medical College.
>
> 20. Accordingly, the Writ Petitions deserve to be and are hereby allowed in terms of the directions given in penultimate paragraphs."

2. Having considered the submissions made by learned counsel for

the parties and having gone through the materials available on record, it is evident that the facts and issue involved in this petition is identical to **WPS No. 1453 of 2021,** this Court deems it appropriate not to take a view other than what has been taken in the aforesaid.

3. Accordingly, the present petition is **allowed** in terms of the order dated **31.05.2024** passed in **WPS No. 1453 of 2021.**

Sd/-

(Bibhu Datta Guru)
JUDGE

Jyoti