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IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P. No. 3721 of 2000

PETITIONER:

Shri Jitendra Kumar Patel, S/o
Yatram Patel, aged 27 years, R/o.
Kotra Road, Raigarh, Madhya
Pradesh.

Versus

RESPONDENTS:

1. Additional Collector, Raigarh,
Madhya Pradesh.
2. The Nagar Panchayat Dharamjagarh,
Through: its Chief Municipal Officer
at Post Office Dharamjagarh, District
Raigarh, Madhya Pradesh.
3. Shri A.N. Bhakt, Councillor, Nagar
Panchayat Dharamjagarh, District
Raigarh, Madhya Pradesh.
4. Shri Govind Ram Rathia, Councillor,
Nagar Panchayat Dharamjagarh,
District Raigarh, Madhya Pradesh.
5. Dr. Khurshid Khan, Councillor,
Nagar Panchayat Dharamjagarh,
District Raigarh, Madhya Pradesh.
6. Ku. Meera Penkra, Councillor, Nagar
Panchayat Dharamjagarh, District
Raigarh, Madhya Pradesh.
7. Smt. Asha Sahu, Councillor, Nagar
Panchayat Dharamjagarh, District
Raigarh, Madhya Pradesh.



**WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE
WRIT**

आदेश पत्रक

W.P. No. 3721/2000

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>26/6/2001</u></p> <p>Heard Shri Prashant Mishra, learned counsel for the petitioner, Shri Ranvir Singh, learned G.A. for respondent no.1/State .</p> <p>Learned G.A. for the State prays for further time to file reply. Reply has been filed on behalf of respondent no.2.</p> <p>Shri Prashant Mishra submits that in view of the statement made by respondent no.2 that there was no illegality in the constitution of Selection Committee as regards the subject of Physics inasmuch as on the fixed date subject experts were available. It is stated that only in respect of subject Urdu, experts were not available. Shri Mishra further submits that there is no reasonable ground for issuing the impugned order dated 12/10/1999 (Ex.P/1) by the Additional Collector by which the entire selection process was not cancelled.</p> <p>In para 3 of the reply filed on behalf of respondent no.2, among other things, it is stated that "as far as the petitioner is concerned, he was a candidate for Shiksha Karmi, Grade I Physics. For the selection of the petitioner there were no irregularities in Selection Committee. It is respectfully submitted that as far as Expert of Urdu subject was</p>	

आदेश पत्रक (पुर्वानुबद्ध)

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	<p>.. 2 ..</p> <p>concerned, as submitted above in the absence of non-availability of Subject Expert of Urdu, Shri Yusuf Chhaya was treated as a Expert of Urdu subject, who is well with the language of Urdu".</p> <p>It is also further stated in para 4 as follows:</p> <p>"It is also submitted that when the Selection Committee was constituted and during the interview no objection was taken by any candidate regarding the constitution of Selection Committee. Hence selection of the petitioner was legal. There was no illegality in the selection of the petitioner."</p> <p>Subject expert of Physics in the present case was Shri M.S. Pawar. In the present case in terms of the statutory Rule, the respondent no.2 is the appointing Authority. Respondents nos. 3 to 7 are stated to be persons, who had made some complaint before the respondent no.1. On 28/2/2001 this Court had directed issuance of SPC to the said respondents. It is contended that in fact in the facts and circumstances particularly as regards the writ petitioner, respondents nos. 3 to 7 are strangers and that they cannot take any valid grievance against the selection process of the writ petitioner.</p> <p>Upon careful perusal of the averments of the writ petitioner and also the impugned order issued by respondent no.1 and after hearing Shri Prashant Mishra</p>	

आदेश पत्रक

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>.. 3 ..</p> <p>learned counsel for the petitioner, Shri Ranvir Singh, learned G.A. for the State and also return filed on behalf of respondent no.2 as stated above, I am of the view that there cannot be any hindrance as regards the selection of the writ petitioner in Physics subject inasmuch as subject expert was available at the time of selection.</p> <p>In the result, this petition is disposed of with the direction that the impugned order (Ex.P/1) dated 12/10/1999 in so far as it concerns the subject of Physics, is quashed inasmuch as there is no infirmity in the selection of the writ petitioner.</p> <p>C.C.today.</p>	<p>Sd/- Chief Justice</p>

raju

[पीछे देखिये]

26/10 2005

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