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16/02

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SINGLE BENCH
IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR

W.P. (S) NO. 1828 OF 2011

PETITIONER

P.R. No. 1609/2011
Presented: R. Indreshwar
dated: 16/3/2011

Mukesh Kumar Narayani

S/o Shri A.L. Narayani, Age 31 years

R/O Mohan Talkies Road,

Jamnipali, Korba (C.G.)

VERSUS

RESPONDENTS

: 1.

State Of Chhattisgarh .

Through – Secretary Panchayat

D. K.S. Bhavan Raipur Dist. Raipur (C.G.)

2.

Collector Korba,

Dist. Korba (C.G.)

3.

Block Education Officer Pali

Dist. Korba (C.G.)

4.

Janpad Panchayat

Through – Chief Executive Officer

Pali, Dist. Korba (C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH : BILASPURWRIT PETITION (S) NO.1520 OF 2011PETITIONER Seema Dubey

Versus

RESPONDENTS State of Chhattisgarh & OthersWRIT PETITION (S) NO.1442 OF 2011PETITIONER Girish Sharma

Versus

RESPONDENTS State of Chhattisgarh & OthersWRIT PETITION (S) NO.1453 OF 2011PETITIONER Pradeep Bhaskar

Versus

RESPONDENTS State of Chhattisgarh & OthersWRIT PETITION (S) NO.1457 OF 2011PETITIONER Jayendra Kumar Sahu

Versus

RESPONDENTS State of Chhattisgarh & OthersWRIT PETITION (S) NO.1461 OF 2011PETITIONER Vipin Agrawal

Versus

RESPONDENTS State of Chhattisgarh & OthersWRIT PETITION (S) NO.1462 OF 2011PETITIONER Jitendra Kumar Jaiswal

Versus

RESPONDENTS State of Chhattisgarh & OthersWRIT PETITION (S) NO.1463 OF 2011PETITIONER Meghnath Jaiswal

Versus

RESPONDENTS State of Chhattisgarh & OthersWRIT PETITION (S) NO.1472 OF 2011PETITIONER Sunita Kaushik

Versus

RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1474 OF 2011PETITIONER

Naveen Kumar Sharma

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1475 OF 2011PETITIONER

Kranti Kumar Diwan

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1476 OF 2011PETITIONER

Narendra Pratap Singh

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1477 OF 2011PETITIONER

Sarita Dubey

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1478 OF 2011PETITIONER

Sukhsagar Patel

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1511 OF 2011PETITIONER

Gauri Diwan

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1512 OF 2011PETITIONER

Ruchira Sharma

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1513 OF 2011PETITIONER

Jageshwar Prasad Sahu

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1514 OF 2011

PETITIONER Bajrang Lal Diwakar
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1515 OF 2011

PETITIONER Smita Dubey
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1518 OF 2011

PETITIONER Urmila Patel
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1519 OF 2011

PETITIONER Firat Ram Patel
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1540 OF 2011

PETITIONER Pammi Thakre
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1541 OF 2011

PETITIONER Jitendra Vaishnav
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1542 OF 2011

PETITIONER Badri Prasad Sidar
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1543 OF 2011

PETITIONER Jageshwari Sahu
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1574 OF 2011PETITIONER

Vimla Dhuri

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1575 OF 2011PETITIONER

Bhuvneshwari Sahu

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1576 OF 2011PETITIONER

Govinda Ratre

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1577 OF 2011PETITIONER

Satyendra Singh Dau

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1650 OF 2011PETITIONER

Permashvar Singh Kanwar

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1813 OF 2011PETITIONER

Hemlata Sahu

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1814 OF 2011PETITIONER

Sanjay Shukla

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1827 OF 2011PETITIONER

Angar Singh Khurana

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1828 OF 2011

PETITIONER Mukesh Kumar Narayani
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1829 OF 2011

PETITIONER Neelu Tiwari
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1830 OF 2011

PETITIONER Khem Lal Rajwade
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1841 OF 2011

PETITIONERS Umesh Kumar Shrivastava & Another
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1867 OF 2011

PETITIONER Ramesh Jha
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1868 OF 2011

PETITIONER Ramkrishna Dixena
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1871 OF 2011

PETITIONER Jay Kumar Toppo
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1872 OF 2011

PETITIONER Ku. Anita Kashyap
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.1873 OF 2011PETITIONER

Smt. Rajendra Warkade

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.1936 OF 2011PETITIONER

Hemlata

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.2029 OF 2011PETITIONERS

Anil Soni & Others

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.2074 OF 2011PETITIONER

Asharam

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.2075 OF 2011PETITIONER

Dinesh Kumar Sahu

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.2117 OF 2011PETITIONER

Bhuvneshwar Lal Banjare

Versus

RESPONDENTS

State of Chhattisgarh & Others

WRIT PETITION (S) NO.2120 OF 2011PETITIONER

Vedram Banjare

Versus

RESPONDENTS

State of Chhattisgarh & Others

And

WRIT PETITION (S) NO.2259 OF 2011PETITIONERS

Ku. Sharada Singh & Others

Versus

RESPONDENTS

State of Chhattisgarh & Others

(Writ Petitions under Article 226 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri H.V. Sharma, Shri Suresh Pandey, Ms. Meena Shastri,
Shri Shashank Thakur & Ms. Renu Kochar, Advocates for the
respective petitioners.

Shri Y.S. Thakur, Deputy Advocate General for the State.

ORDER (ORAL)

(Passed on this 29th day of April, 2011)

1. The batch of petitions viz. W.P.(S) Nos. 1442, 1453, 1457, 1461, 1462, 1463, 1472, 1474, 1475, 1476, 1477, 1478, 1511, 1512, 1513, 1514, 1515, 1518, 1519, 1520, 1540, 1541, 1542, 1543, 1574, 1575, 1576, 1577, 1650, 1813, 1814, 1827, 1828, 1829, 1830, 1841, 1867, 1868, 1871, 1872, 1873, 1936, 2029, 2074, 2075, 2117 & 2120 of 2011 involves common facts and common question of law, therefore, the same are being considered and decided by this common order. For the purpose of disposal, facts in W.P.(S) 1520/2011 are set out herein.
2. Challenge in these petitions is to the order dated 22/02/2011 (Annexure P/1) whereby the Collector, Korba, exercising his jurisdiction under the provisions of Section 85(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short "the Adhiniyam, 1993") has cancelled the counseling and selection process for appointment of Shiksha Karmi Grade-III in Janpad Panchayat, Pali, District-Korba.
3. The indisputable facts, in brief, are that the petitioners participated in the selection process and in the counseling held on 05/02/2011 & 07/02/2011. Thereafter, the petitioners were appointed. The Collector, Korba, thereafter, passed the impugned order dated 22/02/2011 canceling the selection process and the counseling as aforestated. On the basis of the impugned order dated 22/02/2011, the services of the petitioners, who were duly appointed after selection and counseling, were terminated. Then, the impugned order dated 22/02/2011 was

subsequently modified by order dated 06/04/2011 to the effect of suspending the selection process and the counseling held on 05/02/2011 & 07/02/2011 in lieu of cancellation of the selection and counseling as aforesaid in exercise of the power conferred under Section 85 (1) of the Adhiniyam, 1993.

4. Learned counsel appearing for the State submits that the order dated 22/02/2011 has been recalled and the order dated 06/04/2011 has been passed where instead of cancellation of the appointment order, the counseling & selection process has been suspended by the Collector.
 5. In view of the fact that since the order dated 22/02/2011 has been modified to the extent of recalling cancellation of the selection process & counseling, by suspending the same by order dated 06/04/2011, no order passed on the basis of order dated 22/02/2011 can sustain in the eyes of law. As a sequel, the order of termination passed against the petitioners stand cancelled.
 6. Accordingly, it is not necessary to go into the nature and validity of the order dated 06/04/2011, as the same is not under challenge in the petition.
 7. Resultantly, the writ petitions are allowed to the extent indicated above.
- No order as to costs.

Sd/-
SATISH K. ANGNIHORI
Judge