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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 973 of 2015**

1. Hemant Singh Thakur S/o Shri Tilak Ram Thakur Aged About 23 Years Occupation Service Working As Assistant Grade - 3, Under Executive Engineer B/ R Division, Public Works Department, Division No. 3, Raipur Chhattisgarh, R/o Village Bohardih, Post Harinbhatha, P.S. Palari, District - Balanda Bazar - Bhatapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Throguh The Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District - Raipur, Chhattisgarh
2. Engineer In Chief Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh

---- Respondent**And****WPS No. 3019 Of 2014**

1. Syed Ahmed Ali S/o Syed Shoukat Ali, Aged About 37 Years R/o Imambada, Subhas Ward, Jagdalpur, District - Bastar (C.G.)
2. Keshbo Ram Nag, S/o Devi Singh Nag, Aged About 28 Years R/o Village Chilkuhti, Post- Bademurma, District- Bastar C. G.
3. Shivam Yadav, S/o Dilip Yadav, Aged About 25 Years R/o Lalbag Amaguda, Near Old Gas Godown, Jagdalpur, District- Bastar C.G.
4. Ku. Usha Kashyap, D/o K.K. Kashyap, Aged About 23 Years R/o Behind F.C.I. Godown, Maharani Ward No. 14, In Front Of Shiv Tent House, Jagdalpur, District Bastar, C.G.
5. Ghanshyam Tiwari, S/o Shri Santosh Prasad Tiwari, Aged About 27 Years R/o Village Kaviaasana, Post - Kokhachur, District Bastar, C.G.
6. Araj Ram, S/o Somdhar, Aged About 32 Years R/o Narayanpur, District - Narayanpur, C.G.

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, C. G.
2. Principal Chief Engineer, Public Works Department, Sirpur Bhawan, Raipur, District - Raipur, C.G.
3. Chief Engineer, Public Works Department, Bastar Region, Jagdalpur, District - Baster, C.G.
4. Commissioner, Bastar Division, District - Bastar, Chhattisgarh
5. Superintendent Engineer , P.W.D. Jagdalpur, District Bastar, C.G.
6. Executive Engineer, P.W.D. Jagdalpur, District Bastar, C.G.
7. Superintendent Engineer, P.W.D. Narayanpur, District Narayanpur, C.G.
8. Executive Engineer , P.W.D. Narayanpur, District Narayanpur, C.G.

---- Respondent

And

WPS No. 5042 Of 2014

1. Jagannath Patel S/o Late Biselal Patel , Aged About 29 Years R/o C/o Suraj Patel, Purani Basti, Gopiyapara, Raipur, District Raipur, C.G.
2. Mahendra Rangel S/o Shri Rajsajeevan Rangel, Aged About 28 Years R/o Near Balaji Temple, Daldal Sivni, Raipur, District Raipur, C G
3. Chandan Kumar Soni S/o Shri Rohit Soni, Aged About 29 Years R/o Sanjay Nagar, Raipur, District Raipur, C G
4. Jitendra Kumar Mahadeva S/o Shri Kirtan Lal, Aged About 34 Years R/o Village And Post Kachna, Tahsil Kurud, P.S. Bhakhara, District Dhamtari Chhattisgarh
5. Mukesh Rajput S/o Shri I. K. Rajput, Aged About 28 Years R/o Laxmi Nagar, Panchpedi Chowk, Raipur, District Raipur, C G
6. Ritesh Kashyap S/o Shri C.L.Kashyap, Aged About 38 Years R/o Near Water Tank, Ravigram, Telibandha, Raipur, District Raipur, C G
7. Tarun Kumar Baghel S/o Shri S.K.Baghel , Aged About 38 Years R/o P W D Colony, Civil Lines, Behind Surya Apartment, District Raipur, C.G

8. Yashwant Kumar Patel S/o Shri Damodar Prasad Patel, Aged About 28 Years R/o P.T.S./Mana Camp, Raipur, District-Raipur, C G.
9. Tikam Chand Bhatt S/o Shri Chaturbhuj Rao Bhatt, Aged About 32 Years C/o P.W.D. Raipur Region, District Raipur, C G
10. Yagyadatt Sharma S/o Shri Damodar Prasad Sharma Aged About 31 Years R/o Changorabhatha, Raipur, District Raipur, C G
11. Jyoti Shrivastava D/o Late Shri Mahendra Kumar Saxena, Aged About 36 Years R/o Beside Basant Firework Store, Badhaipara, District Raipur, C G
12. Vishwanath Patel S/o Shri Ganesh Ram Patel, Aged About 30 Years R/o Ganesh Nagar, Nayapara, Jaisthambh Gali, Dhuma Road, Sirgitti, District Bilaspur, C G

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, Mantraya, New Raipur, District Raipur, C.G.
2. The Engineer In Chief, Public Works Department Sirpur Bhawan, Raipur, District. Raipur C.G.
3. Chief Engineer (Planning), Public Works Department, Sirpur Bhawan, Raipur Districtt. Raipur C.G.
4. Joint Director, Office Of The Engineer In Chief, Public Works Department, Sirpur Bhawan, Raipur, Districtt. Raipur C.G.
5. Manish Kumar S/o Bhajan Lal Sahu, R/o Dumar Talab Mahana Bazar, Near Manas Mandli, Raipur, District Raipur C. G.
6. Sanjay Kumar Sahu S/o Late Manharan Lal Sahu, R/o In Front Of New Ganj Mandi, Besides Bank Of India, Pandri Tarai, Raipur District. Raipur C.G.
7. Smt. Roopa Chauhan W/o Narendra Kumar Chauhan, R/o C/o Madan Singh Chauhan, Old Durga Chowk, Raja Talab, Raipur, District Raipur C.G.
8. Hasan Ansari S/o Shri Riyasat Ansari, R/o Near Gausiya Masjid, Paras Nagar, Raipur District. Raipur C.G.
9. Dev Kumar Kureel S/o Shri Rohit Kureel, R/o Ward No. 14, Somwari Bazar, Nawa Para, Rajim, District. Raipur C.G.
10. Yuvraj Kumar Sahu S/o Shri Lakshya Kumar Sahu, R/o Village Bondrabandha (Ghatkarra) Post Pandunka Pod, Tahsil Chhura Post Rajim, District. Gariyaband C.G.

11. Hemant Singh Thakur S/o Tilakram Thakur, R/o Villge Bordih, Post Harinbhatta, P.S. Palari, Distt. Balodabazar C.G.
12. Rupendra Kumar Sahu S/o Shri Kanhaiyalal Sahu, R/o Village Bhatgaon, Post Bhatgaon, Rudri, District. Dhamtari C.G.
13. Suraj Kumar Sen S/o Shri Than Singh Sen, R/o Behind Chhattisgarh Hospital, Near Naunihal School, Gauri Chaura, Prem Nagar Mowa, Raipur District Raipur C.G.
14. Kanhaiyalal Yadav S/o Shri Biselal Yadav, R/o P.W.D. Rest House Complex, Rajim, District Griyaband C.G.
15. Vikas Chaudhary S/o Shri Basant Chaudhary , R/o Krishna Nagar Bijrang Chowk In Front Of Vikki Sahu S.T.D Supela, Bhilai, District. Durg. C.G.
16. Pragya Prakash Nigam S/o Shri Vinay Kumar Nigam, R/o C/o C.L. Thawait, 52, Sector 3, Geetanjali Nagar, Raipur, District. Raipur C. G.
17. Uday Kumar Dewangan S/o Shri Kaushal Prasad Dewangan, R/o Post Ranigaon, P.S. Ratanpur Tahsil Kota, District. Bilaspur C.G.
18. Bharat Bhushan S/o Shri Salikram, R/o C/o Shri Shivram Chandrakar, Basnat Photo Studio, Sahu Complex, Tikra Para, Raipur, District Raipur C. G.
19. Ku. Roziya Parveen D/o Shri Mirza Moharram Beg, R/o Nai Basti, Raja Talab, Jai Hind Chowk Baba, Near Kirana Stores, Next To The Lane Of Anmol Beauty Parlor, Raipur, District Raipur C.G.
20. Ku. Sarfunnisha D/o Shri Amir Khan R/o House No. 26/715 Near Pujari School, Behind Small Hanuman Mandir, Raja Talab, Raipur District. Raipur C.G.
21. Amar Kant Dev S/o Late Shri Prakash Narayan Dev , R/o House No. 36, Basant Vihar Mahavir Nagar, Post Ravigram, Raipur, District. Raipur C.G.
22. Mahendra Kumar Verma S/o Madhav Prasad Verma, R/o 38/310, New Colony Chowk, Jalstah Marg, Tikrapara Raipur, District. Raipur C.G. 492001
23. Dhananjay Kumar Sahu S/o Shri Shobha Ram Sahu, R/o Sharda Chowk, Ward No. 4, Near Rangmanch, Naya Talab, Gariyaband, District Gariyaband C.G.
24. Devendra Matsyapal S/o Shri Jeevan Lal Matsyapal, R/o C/o Shri Gopal Singh Dheever, Near M.D. Kirana Stores, Chhota Ashok Nagar, Gogaon Road, Gudhiyari, Raipur, District Raipur Chhattisgarh

25. Jitendra Kumar Koshley S/o Shri Ashok Koshley, R/o Village And Post Bodsara Tahsil Bilha, Ps. Chakarbhata, District Bilaspur C.G.
26. Yog Narayan Sahu S/o Shri Bodhan Ram Sahu , R/o Beside The Canal, Street No. 2, Boriya Road, Krishna Nagar Post Sundar Nagar Raipur District Raipur C.G.
27. Ku. Madhuri Yadav D/o Shri Shivlal Yadav, R/o Behind Old Ganj Mandi, Ward No. 38, In Front Of Rajendra Sahu's House, Mill Para Durg, District. Durg. C.G.
28. Ku. Diksha Sharma D/o Shri Dinesh Sharma, R/o C/o Shri Lakshmi Kant Sharma, Brahman Para, Kankali Talab, Near Ramchandra Mandir, Raipur, District. Raipur C.G.
29. Sapan Kumar Soni S/o Late Shri Manharan, Lal Soni, R/o Near Mahamrityaunjay Mandir, Tikku Kirana Stores, Zone No. 1, New Adarsh Nagar, Durg, District Durg C.G.
30. Jhumuk Lal Koshley S/o Late Rusnu Ram Koshley , R/o Village And Post Batgan, P.S. Palari, District. Baloda Bazar, C.G.
31. Ku. Richa (Lipika) Banerjee D/o Late Shri H.S. Banerjee, R/o C/o S.R. Chandan, New Subhash Nagar, Siddharth Chowk, Tikrapara, Raipur District. Raipur C.G.
32. Ku. Genuka D/o Jayant Lal Sahu, R/o J.P. Nagar, Shrawan Kirana Stores, Camp - II, Post Sector - I, Bhilai District. Durg. C.G.
33. Basant Kumar Bandhe S/o Late Shri Ramji Bandhe, R/o Azad Chowk, Budhera, Post Kharora Tahsil Tilda, District. Raipur C.G.
34. Ku. Ranjita D/o Shri Harish Chandra Ratre, R/o Village Post Dev Baloda, Near Gurughasidas Mandir, Tahsil Patan District. Durg. C.G. 490025
35. Smt. Jyoti Sahu W/o Shri Rajkumar Sahu , R/o Village And Post Darbha, Tahsil Kurud, District. Dhamtari C.G.

---- Respondent

And

WPS No. 1408 Of 2015

1. Mohit Ram Sahu S/o Seva Ram Sahu Aged About 23 Years Working As Assistant Grade - 3 In The Office Of Public Works Department, Raipur R/o Village Nahardih, Post & Police Station - Kharora, Tehsil - Tilda, District - Raipur, Chhattisgarh - 493225

---- Petitioner

Vs

1. The State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer-In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District - Raipur, Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1411 Of 2015

1. Laxminath Banchhor S/o Late Shri Tejram Banchhor Aged About 39 Years Working As Assistant Grade - 3 In The Office Of Public Works Department, Raipur R/o Village Qt. No. H -14, Pt. Ravishankar University Campus, Post Pt. R.S.U. Raipur & Police Station - Sarswati Nagar, Tehsil And District - Raipur, Chhattisgarh, 492010

---- Petitioner

Vs

1. The State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer In Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur, Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1409 Of 2015

1. Shyam Das Vaishnaw S/o Hukum Das Vaishnaw Aged About 25 Years Working As Assistant Grade - 3 In The Office Of Public Works Department, Raipur R/o Village Ghughuwa, Post - Jatari,

Police Station & Tahsil - Pussoure, District - Raigarh, Chhattisgarh,
496001

---- Petitioner

Vs

1. State Of Chhattisgarh Through, The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer In Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1407 Of 2015

1. Richa (Lipika) Banarjee D/o Late Dr. H.S. Banarjee, Aged About 32 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur, Tahsil & District Raipur Chhattisgarh

---- Petitioner

Vs

1. The State Of Chhattisgarh Through, The Secretary General Administration Department, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. The Engineer-In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District Raipur Chhattisgarh

---- Respondent

And

WPS No. 1439 Of 2015

1. Triptee Sonwani D/o Shri Shrikumar Sonwani Aged About 23 Years Working As Steno- Typist In The Office Of Public Works Department, Raipur, R/o Village Qt. No. I -1, Pt. Ravishankar University Campus Post Pt. R.S.U. Raipur & Police Station Sarswati Nagar, Tahsil And District - Raipur, (Chhattisgarh) 492010

---- Petitioner

Vs

1. The State Of Chhattisgarh Through, The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer-In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur, (Chhattisgarh)
4. The Director Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District Raipur, (Chhattisgarh)

---- Respondent

And

WPS No. 1455 Of 2015

1. Santosh Kumar Sinha S/o Shri Kamtaram Sinha, Aged About 25 Years Working As Assistant Grade - 3 In The Office Of Public Works Department, Raipur R/o Village Mendarha, Post - Dahadaha & Police Station And Tahsil Kurud, District - Dhamtari, Chhattisgarh 493663

---- Petitioner

Vs

1. The State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer In Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District - Raipur Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur Mahila Police Thana Chowk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1487 Of 2015

1. Genuka Sahu D/o Shri Jayant Lal Sahu Aged About 22 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary General, Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer In Chief Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District - Raipur, Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1491 Of 2015

1. Deeksha Sharma D/o Shri Dinesh Sharma Aged About 25 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Petitioner

Vs

1. The State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer-In-Chief Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur Chhattisgarh

4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1480 Of 2015

1. Sapan Kumar Soni S/o Late Shri Manharan Lal Soni Aged About 31 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur Tahsil & District Raipur Chhattisgarh

---- Petitioner

Vs

1. The State Of Chhattisgarh Through The Secretary, General Administration Department,, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer In Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur, Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chouk, Raipur, Tahsil & District Raipur Chhattisgarh

---- Respondent

And

WPS No. 1490 Of 2015

1. Uday Kumar Dewangan S/o Shri Koushal Prasad Dewangan, Aged About 24 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur Tahsil & District Raipur Chhattisgarh

---- Petitioner

Vs

1. The State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh

3. The Engineer In Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh Raipur, Mahila Police Thana Chouk, Raipur, Tahsil & District Raipur Chhattisgarh

---- Respondent

And

WPS No. 1485 Of 2015

1. Kanhaiyalal Yadav S/o Shri Biselal Yadav Aged About 28 Years Working As Data Entry Operator In The Office Of Engineer- In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer-In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur, Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chouk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1489 Of 2015

1. Rupendra Kumar Sahu S/o Shri Kanhaiya Lal Sahu, Aged About 34 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh

2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer-In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur, Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chowk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1484 Of 2015

1. Smt. Yevanti Dhimar W/o Shri Leeladhar Dhimar, Aged About 26 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through, The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer-In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chouk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1483 Of 2015

1. Bharat Bhushan S/o Shri Salikram Bhushan Aged About 32 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh

2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. The Engineer In Chief, Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur (Chhattisgarh)
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chouk, Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 1488 Of 2015

1. Raojiya Parveen Beag D/o Shri Mirza Moharram Beag Aged About 28 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Secretary, Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh
3. The Engineer In Chief Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur, Chhattisgarh
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh, Raipur, Mahila Police Thana Chouk, Raipur, Tahsil & District - Raipur, Chhattisgarh

---- Respondent

And

WPS No. 1481 Of 2015

1. Dhananjay Kumar Sahu S/o Shri Shobharam Sahu, Aged About 25 Years Working As Data Entry Operator In The Office Of Public Works Department, Raipur Tahsil & District Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan Naya Raipur, District Raipur (Chhattisgarh)

2. The Secretary Public Works Department, State Of Chhattisgarh, Mahanadi Bhawan Naya Raipur, District Raipur (Chhattisgarh)
3. The Engineer In Chief Public Works Department, Sirpur Bhawan, Raipur, Tahsil & District Raipur (Chhattisgarh)
4. The Director, Information Of Publication And Public Relation Department, State Of Chhattisgarh Raipur, Mahila Police Thana Chouk, Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 994 Of 2015

1. Sonam Gupta D/o Shri Kedar Prasad Gupta, Aged About 22 Years Occupation- Service Working As Steno Typist O/o Chief Engineer, National Highway, Raipur Chhattisgarh R/o Sejbahar, Satnami Basti, Engineering College Chowk, P.S. Sejbahar, District - Raipur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur District - Raipur, Chhattisgarh
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh

---- Respondent

And

WPS No. 996 Of 2015

1. Sanjay Kumar Sahu S/o Shri Late Manaharan Lal Sahu, Aged About 41 Years Occupation - Service Working As Data Entry Operator, Under Engineer - In Chief, Public Works Department, Raipur Chhattisgarh R/o In Front Of New Ganj Mandi Gate, Beside Bank Of India, Pandritarai, P.S. Civil Lines District Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Public Works Department, Mahanadi Bhawan, New Raipur Dist-Raipur, CG.

2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent

And

WPS No. 999 Of 2015

1. Smt. Rupa Chouhan W/o Shri Narendra Chouhan, Aged About 43 Years Occupation - Service Working As Data Entry Operator Under Chief Engineer, Public Works Department, Raipur Zone, Raipur Chhattisgarh R/o Near Old Durga Chowk, Raja Talab, P.S. Civil Lines, District Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur District - Raipur Chhattisgarh
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent

And

WPS No. 1000 Of 2015

1. Suraj Kumar Sen S/o Shri Than Singh Sen, Aged About 28 Years Occupation Service Working As Data Entry Operator, Under Executive Engineer, Division No. 3, Public Works Department, Raipur Chhattisgarh R/o Opposite Chhattisgarh Hospital, Near Nav Nihal School Gaora- Chaora, Prem Nagar Mowa, P.S. Mowa, District Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur District - Raipur Chhattisgarh
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent

And

WPS No. 992 Of 2015

1. Yognarayan Sahu S/o Shri Bodhram Sahu, Aged About 29 Years
Occupation - Service - Working As Data Entry Operator Under Chief Engineer, Public Works Department, Raipur Zone, Raipur Chhattisgarh R /o Boriya Road Near By Canal Krishna Nagar, Post Station- Purani Basti, District Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Public Works Department, Mahanadi Bhawan, New Raipur District - Raipur Chhattisgarh
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent

And

WPS No. 974 Of 2015

1. Balram Dewangan S/o Shri Pusau Ram Dewangan Aged About 36 Years Occupation Service Working As Assistant Grade III, Under Chief Engineer, Public Works Department, Raiur Zone, Raipur (Chhattisgarh), R/o Near New Shakuntala School Parmeshari Chowk, P. S.- Mohan Nagar, District Durg (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur District - Raipur (Chhattisgarh)
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent

And

WPS No. 968 Of 2015

1. Sunil Kumar Nirmalkar S/o Shri Prem Lal Nirmalkar, Aged About 25 Years Occupation Service- Working As Assistant Grade III Under Executive Engineer E/ M Division Public Works Department, Raipur (Chhattisgarh), R/o Village And Post Patsion, P.S. Chhura (Gariyaband) District Gariyaband, (Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Engineer In Chief, Public Works Department, Raipur, (Chhattisgarh)
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur, (Chhattisgarh)

---- Respondent**And****WPS No. 976 Of 2015**

1. Sumeet Kumar Agrawal S/o Shri Ram Sanahi Agrawal Aged About 30 Years Occupation - Service - Working As Assistant Grade I I I Under Engineer-In-Chief, Public Works Department, Sirpur Bhawan, Raipur, Chhattisgarh R/o Basant Vihar Colony, Near Nidhi Coolers, Kushalpur, P.S. Purani Basti, District - Raipur (Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District - Raipur (Chhattisgarh)
2. Engineer In Chief Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent**And****WPS No. 977 Of 2015**

1. Chhabi Lal Patel S/o Shri Pilaram Patel, Aged About 24 Years Occupation Service Working As Assistant Grade - III, O/o Engineer-In-Chief, Public Works Department, Raipur, Chhattisgarh R/o Village

Bhathori, Post And Tahsil - Basana, P.S. - Basana, District - Mahasamund, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District - Raipur, Chhattisgarh
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh

---- Respondent

And

WPS No. 997 Of 2015

1. Raghumani Gupta S/o S/o Shri Sacchidanand Gupta Aged About 23 Years Occupation - Service, Working As Assistant Grade - III, Under Executive Engineer, E/m Division, Public Works Department, Raipur, Chhattisgarh, R/o Village - Gotma, Post - Kotasura, P.S. - Pussore, District - Raigarh, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh S/o Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur District - Raipur Chhattisgarh
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh

---- Respondent

And

WPS No. 993 Of 2015

1. Ashok Kumar Sahu S/o Shri Jagrakhan Lal, Aged About 21 Years Occupation - Service, Working As Assistant Grade - III, Under Superintendent Engineer Public Works Department, Circle - 01, Raipur, Chhattisgarh, R/o Village Bami, Post - Koyalari, P.S. - Sahasapur Lohara, District - Kabirdham, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District - Raipur Chhattisgarh
2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent**And****WPS No. 998 Of 2015**

1. Gulab Kesharwani S/o Shri Murari Lal Kesharwani Aged About 24 Years Occupation - Service Working As Steno Typist, O/o Executive Engineer, Division No. 3, Public Works Department, Raipur, Chhattisgarh R/o New Ganj, Mandi Road, Near Verma Provision Store, P.S. Pandri, District - Raipur, Chhattisgarh

---- Petitioner**Vs**

1. State Of Chhattisgarh, Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District - Raipur (Chhattisgarh)
2. Engineer-In-Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh

---- Respondent**And****WPS No. 991 Of 2015**

1. Khusboo Khutte D/o Shri Mohan Lal Khutte, Aged About 24 Years Occupation - Service - Working As Assistant Grade I I I Under Executive Engineer E / M Division Public Works Department, Raipur Chhattisgarh R/o House No. 14 (Old), Civil Lines, Police Colony, P.S. Civil Lines, District Raipur Chhattisgarh

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur District - Raipur Chhattisgarh

2. Engineer In Chief, Public Works Department, Raipur, Chhattisgarh
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh

---- Respondent

And

WPS No. 898 Of 2015

1. Hemlal Sahu S/o Shri Bisheswar Aged About 25 Years Occupation- Service- Working As Steno Typist Under Chief Engineer, Public Works Department, Raipur Zone, Raipur (Chhattisgarh), R/o - C/o Bhagabai Sahu (Shri Ganesh Vastra Bhandar), Daldal Seoni, P.S. Pandri Thana, District - Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through: Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District - Raipur (Chhattisgarh)
2. Engineer In Chief, Public Works Department, Raipur (Chhattisgarh)
3. The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 832 Of 2015

1. Maneesh Sahu S/o Shri Bhajan Lal Sahu, Aged About 36 Years R/o Dumar Talab (Mohba Bazar) Near Manas Mandali, P.O. Tatibandh, Raipur (C.G.)
2. Yuvraj Sahu, S/o Laksh Kumar Sahu, Aged About 26 Years R/o Bodrabandha, (Ghatkarra) Post & P.S. Panduka, Tahsil - Dhuri, District - Gariyabandh (Chhattisgarh)
3. Pragya Prakash Nigam, S/o Vinay Kumar Nigam, Aged About 25 Years R/o H I G - 113, Vijeta Complex, New Rajendra Nagar, Raipur (C.G.) 492 006
4. Pramod Shukla S/o Arun Shukla Aged About 34 Years R/o In Front Of Maharashtra Bhawan, Choubey Colony, Raipur (Chhattisgarh)
5. Hemkant S/o Shri Vikram Aged About 23 Years R/o Village Narra, Post - Barhi, Tahsil & District - Balod, Chhattisgarh, 491227

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District - Raipur (Chhattisgarh)
2. Engineer In Chief Public Works Department, Raipur (Chhattisgarh)
3. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 873 Of 2015

1. Hasan Ansari Riyasat Ansari Aged About 29 Years R/o Near Gausia Masjid, Paras Nagar, Raipur, District - Raipur, Chhattisgarh.
2. Jitendra Kumar Kauslye S/o Ashok Kauslye Aged About 28 Years R/o Village And Post Jodsara, Tehsil Bilha, P.S. Chakarbhata, District - Bilaspur, Chhattisgarh.
3. Devendra Matysapal S/o Jeevan Lal Matysapal Aged About 37 Years R/o C/o Gopal Singh Chivar, Near M.D. Kirana Store, Chota Ashok Nagar, Gogoan Road, Gudiary, Raipur, Chhattisgarh.
4. Uttam Singh Rajput S/o Prem Singh Rajput Aged About 23 Years R/o Village Bicharpur, Post Sukli, Tehsil Lormi, District - Mungeli, Chhattisgarh.
5. Kunal Upvanshi Ashoksingh Upvanshi Aged About 24 Years R/o L-301/ 1, Loco Colony, Dongargarh, District - Rajnandgaon, Chhattisgarh.
6. Dhananjay Singh S/o Gopkumar Sen Aged About 22 Years R/o Village Gadidih, Post Dhoragan, District - Dhamtari, Chhattisgarh.
7. Madhuri Yadav D/o Shri Shivilal Yadav Aged About 29 Years R/o Behind Old Ganjmandi, Ward No. 38, Milpara, Durg, Chhattisgarh.
8. Lokeshwar Thakur Devsingh Thakur Aged About 26 Years R/o Village Gorakapar, Post Gabdi, Tehsil Gundardehi, District - Balod, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh

2. Engineer In Chief, Public Works Department, Raipur (Chhattisgarh)
3. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 2677 Of 2014

1. Chanakya Joshi S/o Shri Trinath Joshi, Aged About 29 Years R/o Post And Village Teetar Gaon, Tahsil Jagdalpur, District Bastar, C.G.
2. Satish Panigrahi, S/o Shri Narendra Prasad Panigrahi, Aged About 24 Years R/o Village Aasna (Tamakoni), Post Aasna, Tahsil Jagdalpur, District Bastar, C.G.
3. Himanshu Shende, S/o Prabhakar Shende, Aged About 22 Years R/o P.W.D. Colony Qrt No. I /3 Kanker, P.S. Kanker, District Kanker, C.G.
4. Dhananjay Patel, S/o Krishan Kumar, Aged About 29 Years R/o P.W.D. Colony Qrt No. 1/6 Ward No. - 2, Uday Nagar, Kanker, District Kanker, C.G.
5. Phool Chand Uikey, S/o Dholiram Uikey, Aged About 39 Years R/o P.W.D. Colony (B & R), Division P.S. Bhanupratappur, District Kanker, C.G.
6. Minesh Kushwaha, S/o Sharad Kushwaha, Aged About 27 Years R/o Dobarighatpara Near Power House Chowk Jagdalpur, P.S. & District Jagdalpur, C.G.
7. Harendra Singh Thakur, S/o Murli Singh Thakur, Aged About 41 Years R/o Shiv Mandir Ward No. 3, Dongaghat, Post Asna, P.S. Jagdalpur, District Bastar , C.G.

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, C.G.
2. Principal Chief Engineer, Public Works Department, Sirpur Bhawan, Raipur, District Raipur, C.G.
3. Chief Engineer, Public Works Department, Bastar Region, Jagdalpur, District Baster, C.G.

4. Commissioner, Bastar Division, District Bastar, C.G.
5. Superintendent Engineer , P.W.D. Jagdalpur, District Bastar, C.G.
6. Executive Engineer, P.W.D. Jagdalpur, District Bastar, C.G.
7. Superintendent Engineer , P.W.D. Kanker, District Kanker, C.G.
8. Executive Engineer , P.W.D. Kanker, District Kanker, C.G.

---- Respondents

For respective Petitioners	Mr. Vinay Pandey, Mr. Saurabh Dangi, Mr. Pallav Mishra, Mr. Vijay K. Deshmukh and Mr. Anand Mohan Tiwari, Advocates
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For Respondent/ State	Mr. Y.S. Thakur, Dy. Advocate General Mr. Amitabh Jain, Principal Secretary to the Government of Chhattisgarh, Department of Public Works appeared with the record of enquiry.
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Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

31/08/2015

1. The petitioners have called in question the legality and validity of the order dated 10.03.2015 passed by the State Government whereby, the State Government, after examining the complaints and receipt of enquiry report, has declared the recruitment process as void and has further directed to cancel the appointments of the petitioners on the post of Data Entry Operator, Stenographer, Steno-typist, Assistant Grade-III, Assistant Programmer, as the case may be. Pursuant to the said order, the Engineer-in-Chief (for short 'the E-in-C'), Public Works Department (for short 'PWD') issued the order dated 12.03.2015, which has also been assailed in some of the writ petitions, by which, the appointments have been cancelled.

2. Facts of the matter, as emerging from the record, are that the E-in-C, PWD, issued an advertisement on 02.07.2013 inviting applications for recruitment of different Class-III posts namely; Data Entry Operator, Stenographer, Steno-typist, Assistant Grade-III, Assistant Programmer. The advertisement was a consolidated advertisement for the entire State of Chhattisgarh, however, the vacancies were notified by treating the set up under the particular Executive Engineer, Division wise, except for Raipur, where the set up of the office of the E-in-C was advertised. The candidates were required to submit their applications in the office of the Executive Engineer of the respective Divisions for which the applications were intended for and for Raipur it was to be submitted in the office of the E-in-C. The examination for the said recruitment was conducted at the Divisional Office/Office of the Executive Engineer level and for Raipur, it was conducted at the E-in-C level.
3. The present matter pertains to the posts advertised in the set up of the office of the E-in-C, PWD, Raipur. In rest of the places, appointments have not been made. At the end of the recruitment process, the petitioners were issued appointment orders on 28.08.2014. Soon thereafter, large number of complaints were submitted before the Hon'ble Minister of PWD. One such complaint signed by 29 candidates has been annexed with the return. The Hon'ble Minister directed for constitution of a three member committee to make enquiry and submit a report. The allegations made in the complaint were to the following effect :

- In addition to the departmental Data Entry Operators, other candidates have also been granted weightage of experience, which is contrary to the E-in-C's decision dated 02.07.2013.
- Certificate obtained by one candidate from Sikkim Manipal University has been accepted, but several candidates having same/similar certificates from the same institution have been declared ineligible.
- There are overwriting/interpolation/manipulation in the marks awarded to several candidates on the head of experience.
- In several categories, meritorious candidates have not been selected and favoured candidates have been appointed.
- Experience marks of several candidates have been reduced deliberately to favour other candidates.
- Handicapped person has been selected by appointing her in the unreserved category.
- One candidate namely; Pramod Shukla who appeared in Durg as well as in Raipur has been granted 7 marks for experience in Durg, whereas,

in Raipur, he has been awarded 24 marks for experience. The same candidate has been awarded different marks for experience for different posts.

- Several candidates have been issued certificate of experience by AG II of the office of the E-in-C, PWD and not by any responsible officer.
- The advertisement was not issued in accordance with the recruitment rules namely; Public Works Department (Non Gazetted) Service Recruitment Rules, 2007 (for short “the Rules, 2007).
- More than the proportionate number i.e. 1:5 were permitted to appear in the skill test for the post of Data Entry Operator.
- A list of candidates eligible for skill test was issued in random manner without mentioning as to whether the same has been issued merit wise or alphabet wise or category wise.
- Information received under the Right to Information Act, 2005 has revealed that the answer sheets of the candidates do not bear the signature of the Center Superintendent or Invigilator/Supervisor of the ITI, where the examination was conducted. This fact proves that

the answer sheets have been changed subsequently to select the favoured candidates.

4. The above complaints were enquired by the Committee of three officers who submitted the report Annexure R/2, finding most of the complaints as genuine.
5. Based on the nature of irregularities pointed out in the report as also for the reason that the Rules, 2007 as it existed on the date of issuance of notification have not been followed rendering the advertisement itself as contrary to the Rules, the State Government directed the E-in-C to cancel the appointments.
6. Learned counsel appearing for the petitioner would argue that the principles of natural justice have been violated inasmuch as they have not been afforded proper opportunity of hearing before cancelling their appointments. Learned counsel would submit that much before issuance of notification, the General Administration Department of the Government of Chhattisgarh issued a Circular on 01.02.2013. making some changes in the eligibility qualification of Stenographer, Data Entry Operator, Steno-typist and Assistant Grade-III and the advertisement contained the said proposed changes in the eligibility condition, therefore, the advertisement being in conformity with the draft rules approved by the GAD, it does not violate any rules and in any case, this could not form basis for cancellation of the appointment. Learned counsel would also argue that no specific charges/allegations against any of the petitioners has been made, therefore, cancellation of their appointment is illegal and arbitrary. To buttress their contention, learned counsel

placed reliance upon the decision rendered in **Chandigarh Administration through the Director, Public Instructions (Colleges), Chandigarh v. Usha Kheterpal Waie and Others¹, Abraham Jacob and Others v. Union of India², Nisha Devi v. State of H.P. And Others³ and Joginder Pal and Others v. State of Punjab and Others⁴.**

7. Per contra, learned Deputy Advocate General appearing for the State would submit that the appointment made on the basis of draft Rules proposing changes in the existing Rules is not permissible. Learned counsel would argue that there being large scale irregularities, cancellation of entire selection process was the only way out and it was not a case where the grain could be separated from the chaff. Learned counsel would also submit that in a situation like this, it was neither possible nor desirable to issue individual notices to each of the petitioners. Learned counsel would next submit that the petitioners were on probation, therefore, in absence of having attained the status of regular employee, appointments can be cancelled any time when large scale irregularities are found in the selection process. In support of his contention, learned Dy. Advocate General would place reliance upon the decisions rendered in **Vimal Kumari v. State of Haryana and Others⁵, High Court of Gujarat and Another v. Gujarat Kishan Mazdoor Panchayat and Others⁶, Union of India through Govt. of Pondicherry and Another v. V. Ramakrishnan and Others⁷,**

1 (2011) 9 SCC 645

2 (1998) 4 SCC 65

3 2014 AIR SCW 1611

4 (2014) 6 SCC 644

5 (1998) 4 SCC 114

6 (2003) 4 SCC 712

7 (2005) 8 SCC 394

Mahabir Vegetable Oils (P) Ltd. and Another v. State of Haryana and Others⁸, Dr. Rajinder Singh v. State of Punjab and Others⁹, Rajesh Kumar Shrivastava v. State of Jharkhand and Others¹⁰, Om Prakash Mann v. Director of Education (Basic) and Others¹¹, Inderpreet Singh Kahlon and Others v. State of Punjab and Others¹², and Canara Bank v. V.K. Awasthy¹³.

8. The subject appointment is governed under the Rules, 2007. The eligibility qualifications for appointment on the subject posts have been provided under the schedule appended to the Rules, 2007, however, the State Government, through the General Administration Department (GAD) issued a circular on 01.02.2013 directing deletion or supersession of such qualifications and prescribing new qualifications for the subject posts.
9. Paragraph 2 of the said circular of the GAD clearly stipulated that all administrative departments, wherein subject posts are included in their set-up, should take steps for amending their respective recruitment rules to incorporate the amendment suggested by the GAD and notification for the said purpose be issued after getting approval from the Law Department. The steps for filling up the posts be taken up only after amendment in the respective Recruitment Rules. However, without there being any amendment in the recruitment rules, the subject advertisement was issued on 02.07.2013. Thus, on the said date, the eligibility qualification was contrary to the recruitment rules.

8 (2006) 3 SCC 620

9 (2001) 5 SCC 482

10 (2011) 4 SCC 447

11 (2006) 7 SCC 558

12 (2006) 11 SCC 356

13 (2005) 6 SCC 321

10. It is the settled law that any appointment made by prescribing qualification contrary to the recruitment rules has no legal sanctity and such advertisement/recruitment is bad in law. In this context, it would be apt to refer the recent decision of the Supreme Court in **State of Punjab and Others v. Anita and Others**¹⁴, wherein the following has been held in para 18.

“18.....Be that as it may, it needs to be emphasised that Para 6 of the Government Instructions dated 20-12-1995, is in clear violation of the statutory process of selection and appointment postulated under the 1981 Rules. Even if the above government instructions would have bestowed validity on the selection process, through which the private respondents came to be appointed, the same could not have been acceded to, since government instructions in violation of the statutory rules are a nullity in law. In view of the foregoing reasons, it is not possible for us to bestow legitimacy/legality to the appointment of the respondents as JBT/ETT Teachers.”

(Emphasis supplied)

11. It is also to be seen that the circular issued by the GAD proposing new set of eligibility qualifications would itself prescribe that appointments be made only after amendment in the concerned departments' recruitment rules, however, in the case in hand, the said instruction of the GAD has been ignored and the appointment order was issued without waiting for amendment in the recruitment rules by issuing gazette notification after getting approval from the Law Department. In a given case, it may happen that at subsequent point of time, a particular administrative department or the Law Department or the State Government itself may change course and stick to the earlier qualification, therefore, unless the recruitment

14 (2015) 2 SCC 170

rules are amended in the manner known to law, a different qualification than the one prescribed under the statutory rules cannot be advertised for recruitment contrary to the stipulation made in paragraph 2 of the GAD circular.

12. It is well settled proposition of law that if the manner of doing a particular act is prescribed under any statute, the act must be done in that manner or not at all. (2008) 9 SCC 177.
13. The Supreme Court in **Meera Sahni v. Lieutenant Governor of Delhi and Others**¹⁵, held thus :

35. It is by now a certain law that an action to be taken in a particular manner as provided by a statute, must be taken, done or performed in the manner prescribed and in no other manner. In this connection we may appropriately refer to the decision of this Court in Babu Verghese v. Bar Council of Kerala wherein it was held as under: (SCC pp. 432-33, paras 31-32)

“31. It is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any statute, the act must be done in that manner or not at all. The origin of this rule is traceable to the decision in Taylor v. Taylor which was followed by Lord Roche in Nazir Ahmad v. King Emperor who stated as under: (IA pp. 381-82)

‘where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all.’

32. This rule has since been approved by this Court in Rao Shiv Bahadur Singh v. State of Vindh Pradesh and again in Deep Chand v. State of Rajasthan. These cases were considered by a three-Judge Bench of this Court in State of U.P. v. Singhara Singh and the rule laid down in Nazir Ahmad case was again upheld. This rule

15 (2008) 9 SCC 177

has since been applied to the exercise of jurisdiction by courts and has also been recognised as a salutary principle of administrative law.”

14. Petitioners have strenuously and pointedly relied on the judgments rendered by the Supreme Court in **Abraham Jacob** (supra) and **Chandigarh Administration** (supra) to contend that any appointment made on the basis of draft rules would not render the recruitment illegal or invalid, if the said draft rules were later on acted upon.
15. **Abraham Jacob** (supra) was a case, where Junior Engineers were promoted to the post of Assistant Engineer from 1969, when for the first time draft rules were proposed to give such promotion to Junior Engineers. The department continued to grant promotion to the Junior Engineers under the said draft rules, by relying on the administrative decision of the Government. The Supreme Court considered the well settled principle of law that the service conditions of employees, in absence of statutory rule could be governed by administrative instructions, therefore, it was held that there was no illegality in giving promotion to the Junior Engineers to the post of Assistant Engineer on the basis of the administrative decision of the Government.
16. In **Chandigarh Administration** (supra), the Supreme Court has held thus :
 19. Even in the absence of valid rules, it cannot be said that the advertisement was invalid. In exercise of its executive power, the appellant could issue administrative instructions from time to time in regard to all matters which were not governed by any statute or rules made under the Constitution or a statute. In fact it is the case of the respondents that the appellant had issued

such instructions on 20-8-1987 directing that the lecturers from UT cadre should be promoted as Principals. In fact, the administrator of the appellant had issued a Notification on 13-1-1992 adopting the corresponding Punjab Rules to govern the service conditions of its employees. If so, the administrator of the appellant could issue fresh directions in regard to qualifications for recruitment.

20. The Recruitment Rules made by the Administrator were duly notified. Though they were not rules made under Article 309, they were nevertheless valid as administrative instructions issued in exercise of executive power, in the absence of any other rules governing the matter. Once the recruitment rules, made by the Administrator, were notified, they became binding executive instructions which would hold good till the rules were made under Article 309. Therefore, the advertisement issued in terms of the said Recruitment Rules was valid.

(Emphasis supplied)

17. In **V. Ramakrishnan** (supra), the Supreme Court after referring **Abraham Jacob** (supra) and **Vimal Kumari** (supra), held that draft rules can be acted upon to meet urgent situations, when no rule is operative. It further observed that in those cases, the question as to whether draft rules can substitute validly made rules did not arise for consideration. The Supreme Court held thus:

“26. The Rules did not become inoperative only because the two scales of pay of the Superintending Engineer and the Chief Engineer became same in terms of revised pay scales. A rule does not become inoperative only because UPSC says so. A rule validly made even if it has become unworkable unless repealed or replaced by another rule or amended, continues to be in force. As regards scale of pay, the matter should have been referred to the anomaly removal committee. In terms of the new rules, the criteria prescribed under the old rules were modified. Thus, till the new rules were given effect to, no promotion to the post of Chief Engineer could be effected in derogation to the criteria prescribed under the existing Rules.

27. In *Rajinder Singh (Dr.) v. State of Punjab*¹⁶ this Court held: (SCC p. 484, para 5)

“5. It has not been disputed before us that on the relevant date when Respondent 3 was recommended for promotion, he had not completed 10 years of service within the meaning of Rule 9-A read with Rule 2(2) of the PCMS Class I Rules. As Respondent 3 was not possessing the requisite qualifications on the relevant date, he could not be considered for promotion to the post of Deputy Director, Health Services.”

It was further held: (SCC p. 485, para 7)

“7. The settled position of law is that no government order, notification or circular can be a substitute of the statutory rules framed with the authority of law. Following any other course would be disastrous inasmuch as it would deprive the security of tenure and right of equality conferred upon the civil servants under the constitutional scheme. It would be negating the so far accepted service jurisprudence. We are of the firm view that the High Court was not justified in observing that even without the amendment of the Rules, Class II of the service can be treated as Class I only by way of notification. Following such a course in effect amounts to amending the rules by a government order and ignoring the mandate of Article 309 of the Constitution.”

28. Valid rules made under proviso appended to Article 309 of the Constitution operate so long the said rules are not repealed and replaced. The draft rules, therefore, could not form the basis for grant of promotion, when Rules to the contrary are holding the field. It can safely be assumed that the principle in *Abraham Jacob*, *Vimal Kumari* and *Gujarat Kishan Mazdoor Panchayat* that draft rules can be acted upon, will apply where there are no rules governing the matter and where recruitment is governed by departmental instructions or executive orders under Article 162 of the Constitution.

16 (2001) 5 SCC 482

29. Indisputably R. Sundar Raju was granted promotion on the basis of the draft rules which was given finality only during the pendency of the matter before this Court.

30. Furthermore, the new rules framed in terms of proviso appended to Article 309 of the Constitution as per notification dated 28-9-2005 has not been given a retrospective effect. By reason of the said rules, the Superintending Engineer having a scale of pay of Rs 12,000-16,500 can be promoted as Chief Engineer. The eligibility criteria for promotion is laid down in clause 12 of the Schedule to the Rules in the following terms:

“Promotion.—Superintending Engineer (Rs 12,000-16,500) with five years’ regular service in the grade, failing which Superintending Engineer with ten years of combined regular service in the grade of Superintending Engineer and Executive Engineer out of which at least one year’s regular service should be in the grade of Superintending Engineer.”

(Emphasis supplied)

18. In **Mahabir Vegetable Oils (P) Ltd.** (supra), the Supreme Court referred its earlier decision rendered in the matter of **V. Ramakrishnan** (supra) to speak thus in para 37 :

37. It is true that the State issued a notification on or about 3-1-1996 expressing its intention to amend the Rules. By reason thereof, however, the State neither stated nor could it expressly state, that the Rules shall stand amended. It is now well-settled principle of law that the draft rules can be invoked only when no rule is operative in the field. Recourse to the draft rules for the purpose of taking a decision in certain matters can also be taken subject to certain conditions. (See *Union of India v. V. Ramakrishnan*, SCC paras 23 and 24.)

(Emphasis supplied)

19. A thoughtful reading of the above referred judgments of the Supreme Court makes it clear like day that the draft rules can be

acted upon where there are no rules on the subject, however, when the field is already occupied by statutory rules framed under Article 309 of the Constitution of India, draft rules cannot be acted upon without amending the statutory rules. In the case in hand, the draft rules were published by the GAD, however, there was clear intention and direction by the GAD not to act upon the amended eligibility qualification without amending the subject recruitment rules of the concerned department after seeking approval from the Law Department. PWD proceeded to issue notification even without amending the rules creating a situation where on the date of issuance of advertisement the eligibility qualification mentioned therein was in deviation from the statutory rules framed under Article 309. Such course is not permissible in view of the law laid down by the Supreme Court in **V. Ramakrishnan** (supra) and **Mahabir Vegetable Oils (P) Ltd.** (supra).

20. There is yet another aspect of the matter inasmuch as the GAD notification cannot be applied selectively. If the PWD decided to act upon the draft rules, it could not have ignored the directives issued vide para 2 of the same notification of the GAD, which mandated issuance of advertisement only after validly amendment the rules.
21. Further more, as has been informed to this Court, the draft rules have now been incorporated in the statutory rules, however, it has not been made operational with retrospective effect to save the recruitments made under the draft rules.

22. It is settled law that a retrospective operation has to be made in express terms and in absence of such expression any appointment made contrary to the rules is not valid.
23. Petitioners have also argued that the respondents have not afforded opportunity of hearing to the petitioners. On this score, it is to bear in mind that the petitioners were probationers and were appointed contrary to the statutory rules.
24. In **Om Prakash Mann** (supra) the Supreme Court held thus :
 10. Admittedly, the enquiry was also initiated against the appellant when he was on probation. It is well-settled principle of law that if the probationer is dismissed/terminated during the period of probation no opportunity is required to be given and, therefore, the question of violation of principle of natural justice does not arise in the given facts of this case.
25. The task of the petitioners to succeed in these petitions under Article 226 of the Constitution of India gets more difficult and complicated when considered keeping in mind the nature of allegations and the findings of the enquiry report wherein the three members enquiry committee has found large scale illegalities and irregularities in conduct of examination, award of marks and preparation of result. The magnitude and the illegalities are all pervasive and have spuriated the sanctity of the selection process as a whole.
26. The Supreme court in **Inderpreet Singh Kahlon** (supra) held thus :
 40. We at the outset would furthermore notice that having regard to the submissions made before us by Mr Dwivedi and Mr Rao that the services of the appellants before us were terminated not in terms of the rules but in view of the commission of illegality in the selection

process involved, we need not consider the applicability of the relevant provisions of the statutes as also the effect of the provisions of Article 311 of the Constitution of India. An appointment made in violation of Articles 14 and 16 of the Constitution of India would be void. It would be a nullity. [See *Secy., State of Karnataka v. Umadevi* (3).] But before such a finding can be arrived at, the appointing authority must take into consideration the foundational facts. Only when such foundational facts are established, the legal principles can be applied.

41. If the services of the appointees who had put in few years of service were terminated, compliance with three principles at the hands of the State was imperative viz. (1) to establish satisfaction in regard to the sufficiency of the materials collected so as to enable the State to arrive at its satisfaction that the selection process was tainted; (2) to determine the question that the illegalities committed go to the root of the matter which vitiate the entire selection process. Such satisfaction as also the sufficiency of materials were required to be gathered by reason of a thorough investigation in a fair and transparent manner; (3) whether the sufficient material present enabled the State to arrive at a satisfaction that the officers in majority have been found to be part of the fraudulent purpose or the system itself was corrupt.

27. In **Krishan Yadav and Another v. State of Haryana and Others**¹⁷,

the Supreme Court held thus :

20. In the above circumstances, what are we to do? The only proper course open to us is to set aside the entire selection. The plea was made that innocent candidates should not be penalised for the misdeeds of others. We are unable to accept this argument. When the entire selection is stinking, conceived in fraud and delivered in deceit, individual innocence has no place as “fraud unravels everything”. To put it in other words, the entire selection is arbitrary. It is that which is faulted and not the individual candidates. Accordingly we hereby set aside the selection of Taxation Inspectors.

17 (1994) 4 SCC 165

28. The Supreme Court in **The Bihar School Examination Board v. Subhas Chandra Sinha and Others**¹⁸, held thus :

15. We are satisfied that no principle of natural justice was violated in this case. The Board through its Chairman and later itself reached the right conclusion that the examinations at this Centre had been vitiated by practising unfair means on a mass scale and the Board had every right to cancel the examination and order that a fresh examination be held. There was no need to give the examinees an opportunity of contesting this conclusion because the evidence in the case was perfectly plain and transparent. We therefore set aside the order of the High Court and ordered dismissal of the writ petition but made no order as to costs.

29. In **Union of India and Others v. O. Chakradhar**¹⁹, the Supreme Court held thus :

8. In our view the nature and the extent of illegalities and irregularities committed in conducting a selection will have to be scrutinized in each case so as to come to a conclusion about future course of action to be adopted in the matter. If the mischief played is so widespread and all-pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited or wrongfully deprived of their selection, in such cases it will neither be possible nor necessary to issue individual show-cause notices to each selectee. The only way out would be to cancel the whole selection. Motive behind the irregularities committed also has its relevance.

(Emphasis supplied)

30. On the above basis, it can easily be culled out that when the illegalities in conducting the recruitment process is of serious nature and is also coupled with the fact that the entire recruitment commenced with an advertisement which was contrary to the statutory rules under Article 309, the cases of the petitioners have

18 1970 (1) SCC 648

19 (2002) 3 SCC 146

not been prejudiced for not following the principles of natural justice. For the violation of the recruitment rules the petitioners could not have offered any answer and since all kinds of irregularities have been pointed, the authorities have not committed any illegality by issuing the order mentioning the violation of statutory rules, however, at the same time keeping in mind the findings of the enquiry report. Although all the findings of the report is not mentioned in express terms, the same having been mentioned by the State Government in its communication issued to the E-in-C, it can safely be gathered that the said aspect of the matter was also part of the decision making process and it is not a case where the respondents have tried to built up a new case before this Court by referring to the findings of the enquiry report. In the facts of the present case, the law laid down by the Supreme Court in **Mohinder Singh Gill and Another v. The Chief Election Commissioner, New Delhi and Others**²⁰, has no application.

31. In WPS Nos.5042, 3019 & 2677 of 2014 petitioners have prayed for quashment of the select list of the post of Data Entry Operator; regularization of the petitioners' services; and for giving additional benefit and preference to them in the matter of selection and appointment on the post of Data Entry Operator.
32. The relief for quashment of the select list has been rendered infructuous for the reason that the State Government has already cancelled the appointment and the same has been upheld by this Court, in the preceding paragraphs of this order.

20 (1978) 1 SCC 405

33. The other reliefs for regularisation is not maintainable in view of the law laid down by the Supreme Court in **Secretary, State of Karnataka and Others v. Umadevi (3) and Others**²¹. Similarly, no mandamus can be issued for according preference in the selection because such matters are the prerogative of the employer and the writ Court cannot issue any direction unless the said right or entitlement flows from any Government decision.
34. *Ex-consequenti*, all the writ petitions, *sans substratum*, are liable to be and are hereby dismissed, leaving the parties to bear their own costs.

Sd/-

Judge
Prashant Kumar Mishra

Gowri

21 (2006) 4 SCC 1