

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 2321 of 2021

Smt. Bhawna Sahu **Versus** State Of Chhattisgarh

22-8-2022	Mr. Manoj Paranjpe with Ms. Vaishali Mahilong, counsel for the petitioner. Mr. Sandeep Dubey, Dy. Advocate General for the State. Mr. Vinod Deshmukh, counsel for the intervenor. Today the matter is listed for consideration of vacating the stay order dated 17-4-2021 passed by this court. This court vide its order dated 17-4-2021 has passed the order in which stay has been granted in the following manner. “Meanwhile, let one post of Medical Lab Technologist in the category to which the petitioner has applied for be kept vacant till the next date of hearing”. The petitioner belongs to OBC category, therefore, she has applied for the post of Medical Lab Technologist in OBC category. The contention of learned counsel for the petitioner is that the petitioner has done the work of 37 months, therefore, she is entitled to get nine marks for her experience whereas the respondents in the first provisional selection list have granted experience of three months and accordingly she was placed in higher position in the original selection list and has secured 75.7%, but subsequently the final list was issued, experience was not considered and accordingly 69.7% marks were given to the petitioner, therefore, she was not found in the selection list. The State has not filed its return. In pursuance of the direction

passed by this court on 21-7-2022, Joint Director, Health Services, Raipur is present along with record.

Mr. Sandeep Dubey, Deputy Advocate General for the State would submit that Director, Health Services, Government of Chhattisgarh has issued a circular dated 29-8-2020 for appointment on various posts and according to which it has been specifically directed that if the appointment is on the basis of division wide cadre, the candidates should submit experience certificate along with original application on line and after that any certificate cannot be considered by the respondent authorities. Similarly, the guidelines further provide that the candidate has to submit the documents at the time of submission of form and if the candidate has not submitted any document at the time of verification, that cannot be considered and no extra time will be given to the candidates. It has been further resolved that the candidates while submitting the application form should submit the experience certificate and except that no experience certificate shall be considered.

From the record, it reveals that the petitioner has submitted an application along with working experience of one years and in the form she has stated two years experience, therefore, after submission of application she has submitted the experience of three years to get nine marks. It has been further rectified while issuing the final selection list. It has not been given after uploading the form, therefore, since it is a circular of the Government, prima facie, I am not inclined to continue with the interim order.

Accordingly, the interim order dated 17-4-2021 passed by this court is vacated. However, respondent are free to issue appointment order but that will be subject to final decision of this case.

List this case after four weeks.

	Meanwhile, State shall file return and also documents of the selection process, thereafter the matter shall be heard finally at motion hearing.
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Sd/-

(Narendra Kumar Vyas)
Judge

Raju