



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3070 of 2025

GAYATREE MARKAM *versus* STATE OF CHHATTISGARH

WPS/3127/2025,WPS/3243/2025,WPS/3147/2025,WPS/3178/2025,WPS/3183/2025,WPS/3184/2025,WPS/3195/2025,WPS/3199/2025,WPS/3206/2025,WPS/3213/2025,WPS/3137/2025

Order Sheet

09/05/2025	Mr. M.P.S. Bhatia, Jitendra Pali, Faisal Akhtar and Ms. Priyanka Rai on behalf of Mr. Chandresh Shrivastava, Advocates for their respective petitioners. Mr. Santosh Soni, Government Advocate and Mr. Ritesh Giri, Panel Lawyer for the respondent-State. As the issue involved in all the writ petitions are similar, therefore, all these cases are linked together and heard. For the sake of convenience the Writ Petition (S) No.3070 of 2025 is taken as a leading case. Heard on I.A. No.01/2025 – an application for interim relief.sss Learned counsel for the petitioners would submit that in pursuance of advertisement (Annexure P/2) issued in the

	year 2010 by the respondent-department for recruitment of Training Officer in Government ITIs of Chhattisgarh State, due examination process was conducted and after interview petitioners were appointed on their respective posts in the year 2013. One complaint was made before the Lok Aayukt, alleging therein that, the appointment of petitioners have been made by dehorning the provisions of <i>Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon aur Anya Pichde Vargo Ke Liye Aarakshan) Niyam, 1998</i> (for short 'Rules of 1998'). The Writ Petition (S) No.5585 of 2018 has been filed by the complainant, namely, Pushpinder Singh, who had made complaint before the Lok Aayukt, seeking stay on the confirmation of appointments of respondents, was dismissed by the Co-ordinate Bench of this Court on 05.11.2019 (Annexure P/6). Subsequently, in 2020, similar complaint was made to the State Government and pursuant to that complaint, show-cause notices dated 6th October 2021 were issued to the petitioners and other training officers. Thereafter, these notices were challenged by the petitioners and other training officers in Writ Petition (S) No. 6033 of 2021 and the same was decided by order dated 03.03.2022 (Annexure P/8) passed by the Learned Single
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	Judge wherein the notices issued against the petitioners and other training officers were set aside. Subsequently, the writ appeal was filed bearing Writ Appeal No.08 of 2023 by the State which also stood dismissed and even the Special Leave Petition (SLP) was also dismissed by the Hon'ble Apex Court. Learned counsel for the petitioners would further submit that despite dismissal of show-cause notices issued to the petitioners, similar notices along with charge-sheet dated 21.03.2025 (Annexure P/1) have again issued by Respondent No.2, which are under challenge in the present petitions. They further submit that the petitioners are serving on their respective posts since 2013 and their services have already been confirmed, thus, they are serving the State Government for more than 12 years and allegation levelled against them is that their appointments were made by violating the Rules of 1998. They would further submit that if there was any violation, the petitioners would not be liable for it; instead, the liability would have been with the respondent authorities. However, without taking any action against the concerned authorities, who allegedly didn't follow the Rules of 1998, the petitioners are being harassed repeatedly. Hence, learned counsel for the
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petitioners pray that the effect and operation of the show-cause notice coupled with charge-sheet dated 21.03.2025 (Annexure P/1) may be stayed.

The learned counsel for the State submits that the petitioners' appointments were made without following the reservation roster as applicable under the Rules of 1998. Though, earlier notices dated 06.10.2021 were quashed by the Learned Single Judge vide order dated 03.03.2022 passed in Writ Petition (S) No.6033 of 2021 (Annexure P/8) stating, *inter alia*, that the said notices were issued without compliance of provisions of Article 311(2) of the Constitution of India, but, liberty was left with Respondent No.2 to proceed afresh in accordance with law. Thereafter, the impugned show-cause notices along with charge-sheet have been issued to the petitioners. Further, learned State counsel seeks for four weeks' time to file reply on I.A. No.01/2025 – an application for interim relief.

Time is granted.

In the meanwhile, considering the aforesaid events and further considering the fact that the reservation roster is being operated by the State authorities and not by the petitioners, if there is any fault in dehorning the rules of

reservation roster, then how liability can be shifted upon the petitioners. Hence, I feel inclined to stay the effect and operation of show-cause notice coupled with charge-sheet dated 21.03.2025 (Annexure P/1) issued against the petitioners till the next date of hearing.

Let reply of the State be filed within a period of four weeks. Further, Respondent No. 2 is directed to apprise this Court by way of his personal affidavit as to what action has been taken against the erring officers, who did not follow the reservation rules, if there was indeed a violation.

List this matter after four weeks.

Sd/-

(Naresh Kumar Chandravanshi)

Judge

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