



2026:CGHC:21465

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3930 of 2022**

1. Amit Bose S/o S.K. Bose Aged About 49 Years Posted As Lab Assistant, Sickle Cell Institute, Chhattisgarh, Devendra Nagar Chowk, Railway Station Road, Raipur, District Raipur Chhattisgarh.
2. S. Abdul Samad S/o S.A. Wazid, Aged About 49 Years Posted As Lab Assistant, Sickle Cell Institute, Chhattisgarh, Devendra Nagar Chowk, Railway Station Road, Raipur District Raipur Chhattisgarh.

... Petitioner(s)**versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
2. Director, Directorate, Health And Family Welfare Department (Medical Education), Indrawati Bhawan, Nawa Raipur, District Raipur Chhattisgarh.
3. Director General, Sickle Cell Institute, Chhattisgarh, Devendra Nagar Chowk, Railway Station Road Raipur, District Raipur Chhattisgarh.
4. Joint Director (Administration), Sickle Cell Institute, Chhattisgarh, Devendra Nagar Chowk, Railway Station Road, Raipur, District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Mr. Shikhar Sharma, Advocate
For State	:	Mr. Vivek S. Ojha, P.L.
For Respondent No. 3 and 4	:	Mr. Arjit Tiwari, Advocate

**Hon'ble Shri Justice Rakesh Mohan Pandey****Judgment On Board****7.5.2026**

1) By way of this petition, petitioners have sought following reliefs:-

10.1 That, this Hon'ble Court may kindly be pleased to quash the impugned show cause notice dated 1.6.2022 (Annexure P-1).

10.2 That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deem fit and appropriate.

2) Mr. Shikhar Sharma, learned counsel for the petitioners submits that petitioners were appointed as Laboratory Assistant under Sickie Cell Institute, Raipur vide order dated 8.10.2015. He further submits that respondent No. 3 has issued a show-cause notice on 1.6.2022 wherein departmental inquiry has been contemplated against the petitioners on the basis of a complaint wherein it is alleged that petitioners exceeded 40 years of age on the date of appointment. He contends that petitioners are entitled for age relaxation according to the conditions of advertisement as earlier they worked under the same institution on contract basis for considerable period. He further contends that show-cause notice is bad in law and deserves to be quashed.

3) On the other hand, Mr. Arjit Tiwari, learned counsel appearing for the respondent No. 3 and 4 submits that writ petition against a show-cause notice is not maintainable and petitioners have liberty to file reply to show-cause notice and submit relevant documents



before respondent No. 3. He further submits that though departmental inquiry has been contemplated against the petitioners but no coercive steps have been taken yet. He contends that this petition deserves to be dismissed.

- 4) Mr. Vivek S. Ojha, learned State counsel supports the argument advanced by Mr. Tiwari.
- 5) I have heard learned counsel for the parties and perused the material available on record.
- 6) It appears that petitioners were appointed to the posts of Laboratory Assistant under respondent No. 3 vide order dated 8.10.2015 and after lapse of seven years, a show-cause notice has been issued against them wherein it is alleged that they exceeded 40 years of age on the date of appointment. Whether petitioners are entitled for age relaxation or not is to be considered by the respondent No. 3 therefore, this petition at this juncture is being disposed reserving liberty in favor of petitioners to file reply to the show-cause notice dated 1.6.2022 and submit relevant documents within period of 30 days from today. It is expected that Director General, Sickle Cell Institute shall consider the reply and documents, if submitted by the petitioners in objective manner and take appropriate decision by way of a speaking order preferably within period of 90 days from today.
- 7) The interim order passed in favor of petitioners on 15.6.2022 shall operate for period of 90 days or till final decision is taken by the



2026:CGHC:21465

authority concerned.

- 8) With the aforesaid direction, this petition stands **disposed**. Mr. Shikhar Sharma and Mr. Arjit Tiwari, learned counsel for the respective parties are directed to communicate this order to Director General, Sickle Cell Institute.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Aj i n k ya