



2026:CGHC:21465

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (Service) 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.

---- Petitioners**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.

---- Respondents

<u>15/06/2022</u>	Mr. Shikhar Sharma, counsel for the petitioner. Mr. Ravi Bhagat, Dy. Govt. Advocate for the State. Heard on petition and also on I.A. No.01/2022, an application for grant of interim relief. It is submitted that both the petitioners had been serving the respondent department since the year 2004 upto 2015 on contractual basis. After publication of advertisement for filling up of the post of Lab Assistant in the respondent department on 17.01.2014, the petitioners filed their applications and on that



basis, after making of the scrutiny, the petitioners had been given appointment vide order dated 08.10.2015. In the later on development, the petitioners have been served with a notice dated 01.06.2022 directing to show cause as to why disciplinary action should not be taken against them for the reasons that when the petitioners were given appointment, they were of age more than 35 years, which is the maximum age prescribed for filing application for the post of Lab Assistant.

It is submitted that the petitioners had been working on contractual basis, therefore, they had the experience and they were also entitled for relaxation in age regarding which there is a memo of the Directorate Medical Education dated 11.01.2016 addressed to Director General, Sickle Cell Institute, C.G., which is the respondent, mentioning that there shall be an age relaxation up to 45 years of age in the matter of relaxation including the contractual service period and other relaxations, therefore, the petitioners have the entitlement to continue in their service. Therefore, interim protection be granted to them until the pendency of this case.

Learned State counsel representing all the respondents opposes the submissions and submits, that it is a case of erroneous appointment of these petitioners, who had already crossed the age limit on the date they applied for the post and were appointed by the Department, therefore, the Department has the entitlement to proceed against them and the annexure-P/1 is only a show cause notice, hence, there is no requirement of grant of any interim relief.

Considered on the submissions. For the present, it is



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ordered that no coercive steps be taken against the petitioners until the next date of hearing.

In the meanwhile, the respondent's side may file response to the petition and also to the application for interim relief.

After filing of reply, this order of interim relief shall be given reconsideration.

List this case after four weeks.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika