HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 1059 of 2023

1. Sukhmati Nag, D/o Shri Dayaram Nag, Aged About 29 Years R/o Swami Vivekanand Ward No. 30, Chanapara, Hatkachora, Jagdalpur, District - Bastar Chhattisgarh
2. Purnima Meshram, D/o Shri Ashok Meshram, Aged About 31 Years R/o Kumhali, Police Station Gudipara, District - Bastar Chhattisgarh
3. Pijus Mandal, S/o Sukriti Mandal, Aged About 22 Years R/o Chhote Kapsi, District - Kanker Chhattisgarh

---- Petitioners

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Police Station And Post Office - Rakhi, Atal Nagar, Raipur, District - Raipur Chhattisgarh
2. Director, Directorate Of Medical Education, Old Nurses Hostel, Dks Bhawan Parisar, Raipur Chhattisgarh
3. Chief Medical And Health Officer, North Bastar Kanker Chhattisgarh
4. Chairman, Junior Staff Selection Board, Bastar Division, Jagdalpur Chhattisgarh
5. The Principal, Government Medical College, Kanker Chhattisgarh
6. The Principal, Lt. B.K.M. Government Medical College, Kanker Chhattisgarh

---- Respondents

06.02.2023	Mr. Atul Kumar Kesharwani, counsel for petitioners.

Mr. Sandeep Dubey, Dy.A.G. for State-respondents.

Heard.

Issue notice to the respondents.

Mr. Dubey accepts notice on behalf of respondents/State. Hence PF is not required to be paid. He prays for and is granted three weeks' time to file reply.

Also heard on I.A. No.1, application for grant of interim relief.

Learned counsel for petitioners submits that petitioners pursuant to advertisement dated 05.01.2022 participated in recruitment proceeding initiated for appointment on the post of Staff Nurse, Technician, Lab Technician and Supervisor. Posts were advertised based on the amendment made in the Chhattisgarh Public Service (Reservation for Scheduled Caste, Scheduled Tribe & Other Backward Classes) Act, 1994 by Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichere Wargon Ke Liye Aarakshan) Sanshodhan Adhiniyam, 2011 (In short 'the Act, 2011'), whereby ratio of reservation has been increased from 50% to 58%. Amendment made enhancing the ratio of reservation was put to challenge in W.P.(C) No. 591 of 2012 and other connected matters, batch of writ petitions were decided vide order dated 19.09.2022 and the Act of 2011 has been held to be unconstitutional and in the said order appointment already made prior to passing of order were protected. Respondents after passing of order in W.P.(C) No. 591 of 2012 had issued the select list calling objections from authorities, which is based on the reservation as amended in the year 2011, and held to be unconstitutional by the Division Bench of this Court, therefore, the proceedings for recruitment of the posts advertised by the

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respondents vide advertisement dated 05.01.2022 be stayed.

Considering the submission of learned counsel for petitioners and also perused the documents placed on record and select list issued on 18.01.2023, as an interim measure it is directed that further recruitment proceedings pursuant to the advertisement dated 05.01.2022 shall remain stayed, till the next date of hearing.

Sd/-
(Parth Prateem Sahu)
Judge

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Balram