



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 3475 of 2023

- Suraj Kumar Patel S/o Nankun Patel Aged About 34 Years R/o House No. 240, Thakurpodi, Kilkila, District Raigarh Chhattisgarh

---- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, District Raipur Chhattisgarh
2. Director Directorate, Education Department, Indrawati Bhawan, Nava Raipur District Raipur Chhattisgarh
3. District Education Officer Raipur, District Raipur Chhattisgarh
4. District Education Officer Bemetara, District Bemetara Chhattisgarh

---- **Respondents**

01.06.2023	Mr. C. Jayant K. Rao along with Mr. Kaushal Yadav, learned counsel for the petitioner. Mr. Sudeep Verma, Dy. G. A. for the State, accepts notice on behalf of respondents/State. Heard on I.A. No. 2, application for urgent hearing and I.A. No.3, application for listing the case during summer vacation. On due consideration and for the reason assigned in the applications(I.A. No.2 & 3), the same are allowed.
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Mr. Rao, learned counsel for the petitioner would submit that the petitioner has already been considered for the post of Assistant Teacher (Science) and he was called for counseling on 26.05.2022, thereafter, provisional allotment letter has also been issued to him on 19.09.2022. The respondent authorities have not issued appointment letter to the petitioner. The Hon'ble Supreme Court vide its order dated 01.05.2023 passed in SLP(C) No. 18816-18817/2022, permitted the State Government to go ahead with the selection process and make appointment and promotions. The petitioner along with other similarly situated candidates approached the respondent authorities for issuance of appointment letter, but instead of concluding the pending selection process, respondent authorities have issued fresh advertisement on 04.05.2023. Thus, the effect and operation of advertisement dated 04.05.2023 (Annexure P/7) may be stayed and in alternative one post may be kept vacant till final disposal of this petition.

Learned State counsel submits that no right has been crystallized as yet, and the petitioner was called for counseling only. He further submits that the petitioner, at this stage, cannot claim for appointment as a matter of right. Therefore, no interim relief may be granted. He placed reliance on the judgment of the Hon'ble Supreme



Court in the case of **Commissioner of Police and another v. Umesh Kumar** reported in **(2020) 10 SCC 448**.

Heard learned counsel for the parties at length and perused the documents.

Considering the facts and circumstances of the case, submissions of learned counsel for the parties, at this stage, this Court is not inclined to grant interim relief, accordingly, I.A. No.1, application for grant of interim relief is hereby rejected.

List the matter in the week commencing 03.07.2023.

Meanwhile, learned State counsel is directed to file reply.

Sd/-
(Sachin Singh Rajput)
Vacation Judge