

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7212 of 2011**

Kulpat Prasad Pankaj, S/o Shri Dhan Sai Pankaj, aged about 31 years,
R/o Village Khargahani, Post Office Tanaud, Tahsil Pamgarh, District
Janjgir-Champa (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Education, D.S.K. Bhawan, Raipur (CG)
2. The Collector, Janjgir, District Janjgir-Champa (Chhattisgarh)
3. District Education Officer, Janjgir, District Janjgir Champa (Chhattisgarh)
4. District Project Officer, Zila Lok Shiksha Samiti, Janjgir, District Janjgir Champa (Chhattisgarh)
5. Vice – President, Zila Lok Shiksha Samiti, Janjgir, District Janjgir-Champa (Chhattisgarh)

---- Respondent

For Petitioner : Shri PM Shrivastava, Advocate.
For Respondent/State : Shri Arvind Dubey, Panel Lawyer.
For Respondents 4 & 5 : Shri B.L. Sahu, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****18/08/2015**

1. The petitioner has prayed for issuance of direction to the respondents to consider his application for appointment on the post of Assistant

Instructor under the Satat Shiksha Karyakram and further to pay honorarium for a period of 13 months.

2. The material available on record would indicate that Sarpanch of Gram Panchayat Tanaud, Block Pamgarh, District Janjgir Champa appointed the petitioner as Assistant Instructor for the said Gram Panchayat for Satat Shiksha Kendra on 5.4.2007. The petitioner claims to have worked for 13 months. According to him, honorarium for the said post has not been paid, however, since thereafter the petitioner has not been continued and his case for appointment under the Sakshar Bharat Karyakram has not been considered.
3. Return filed by respondent No.4 would clearly indicate that in the year 2010 Satat Shiksha Karyakram was closed and replaced by Sakshar Bharat Karyakram. The guidelines for implementation of the said new scheme was issued on 27.3.2010 which also contains the selection process of instructors. Under the said instructions, all the Assistant Instructors working under the Satat Shiksha Karyakram were considered eligible for appointment in the new scheme. It is further revealed that the petitioner's case was considered, amongst other candidates and in the said consideration, the petitioner obtained 200 marks whereas one Manoj Kumar Napit secured 235 marks, therefore, the said Manoj Kumar Napit was allowed as Assistant Instructor for the said Gram Panchayat under the Sakshar Bharat Karyakram. Thus, the petitioner's case has already been considered by the authorities and he has failed in the process as he had secured less marks than other candidates.
4. Neither the selected candidate namely Manoj Kumar Napit has been arrayed as respondent in this writ petition nor the Gram Panchayat has been arrayed in this petition, therefore, on this count, the writ petition suffers from non joinder of necessary parties.

5. This leaves this Court to consider the petitioner's prayer for grant of honorarium for a period of 13 months.
6. There is no material available before this Court on the basis of which it could be concluded that the petitioner has worked for the said period. Therefore, for this part of the relief, the petitioner may prefer representation before the concerned Sub Divisional Officer (R) within a period of 4 weeks from today. The said officer shall consider the application and if the petitioner has worked on the post for the said period, necessary orders may be passed within a further period of 3 months from the date of submission of representation. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authority may decide the representation on its own merits.
7. The writ petition is accordingly disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve