

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7706 of 2011**

1. Hiran Deo Prasad, S/o Late Ayodhya Prasad Yadav aged about 44 years, R/o Vivekanand Vidyapeeth, Ramkrishna Paramhansa Nagar, Kota, Raipur, C.G.
2. Harishankar Sahu S/o M.R. Sahu R/o Vivekanand Vidyapeeth, Ramkrishna Praramhansa Nagar Kota Distt. Raipur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary, Department of School Education, D.K.S. Bhawan, Mantralaya Raipur, C.G.
2. Director, Public Instruction, Pension Bada Distt. Raipur C.G.

---- Respondents

For Petitioners	:	Mr. Suresh Tandan, Advocate
For Respondents No. 1 & 2 /State	:	Mr. Washim Miyan, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/10/2015**

1. The present Writ Petition has been filed by the Petitioners seeking direction to the respondents to consider their case for appointment to the post of Lecturer in School Education Department.
2. The case of the Petitioners is that they had applied for being considered for appointment to the post of Lecturer by virtue of the advertisement dated 01.01.2009 issued by the Public Education Department, Raipur (C.G.). Their candidature was processed and were found eligible and subsequently, they were permitted to participate in the examination for being considered for appointment to the post of Lecturer and they were also found successful and were called for counseling. Later on, on verification it was found that the Petitioners in fact were not teachers under the School Education Department but were teachers in an aided School and therefore their candidature was refused.
3. Learned Counsel for the Petitioners submits that since the School is 100% Government aided School and operating under the administrative control of the State Government, the Petitioners were also eligible for participating in the recruitment process and it was also initially accepted by the Respondents.

4. Learned Counsel for the State however opposing the Writ Petition submits that the Petitioners in fact were not teachers of the School Education Department and it was for that reason that the case of the Petitioners were not considered for appointment to the post of Lecturer. He further submits that a perusal of the Advertisement itself very categorically states that it was issued for candidates working in School Education Department as an assistant teacher or teacher and not for any other category. Whereas the Petitioners were not at all the employees of the School Education Department, apart from this they are not Government teachers at all, but were working in a private school receiving 100% aid from the State Government, in fact they were working as teacher in Vivekanand Vidyapeeth, Ramkrishna Praramhansa Nagar Kota Distt. Raipur a private school receiving grant in aid from the Government.
5. Considering the fact that Petitioners were not teachers in School Education Department nor Government teachers and the fact that they were teachers of a private school aided by State Government, the claim putforth by the Petitioners is not sustainable and so they do not have rights for being considered to the post of Lecturer. The rejection of the Petitioners' candidature by the Respondents is proper, legal, justified and can not be said to be contrary to the rules or arbitrary.
6. Consequently, the Writ Petition being devoid of merit is dismissed.

Sd/-
P. Sam Koshy
Judge