

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1418 of 2012

- Netram Sahu S/o Shri Bipatram Sahu, aged about 52 years, R/o Village & Post Mahali, Via-Pandaria, District Kabirdham (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, through the Secretary, Department of School Education, Dau Kalyan Singh Bhawan, Mantralaya, Raipur (C.G.)
2. The Director Public Instructions, Pension Bada, Raipur, Cg
3. District Education Office Bilaspur, District Bilaspur (C.G.)

---- Respondents

And

WPS No. 6641 Of 2010

- Chhote Lal Soni S/o Rohanlal Soni, aged about 52 years, R/o Village Post Pharadphor, Tehsil Dondi Lohara Distt. Durg, Cg

---- Petitioner

Vs

1. State Of Chhattisgarh through the Secretary, School Education Department, D.K.S. Bhawan, Raipur, Chhattisgarh
2. Director Public Instructions, Pension Bada, Raipur Cg
3. Collector (Jagdalpur) District – Bastar, Cg
4. District Education Officer, Jagdalpur District Bastar, Cg

---- Respondents

And

WPS No. 7528 of 2011

1. Laxman Prasad Sahu S/o Ganesh Prasad Sahu, Aged About 46 Years R/o Village Bhata, P. O. Faguram, Tahsil Sakti, Distt. Janjgir Champa (Chhattisgarh)
2. Babulal Chandra S/o Shiv Prasad Chandra, Aged About 46 Years R/o P. O. Faraswani, Tahsil Dabhra, Distt. Janjgir Champa (Chhattisgarh)

3. Balram Chandra S/o Shri Janak Ram Chandra, Aged About 48 Years
R/o P. O. Sukhda, Tahsil Dabhra, Distt. Janjgir Champa
(Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, School Education
Department, D. K. S. Bhawan, Raipur, (Chhattisgarh)
2. Director, Public Instructions, Pension Bara, Raipur (Chhattisgarh)
3. District Education Officer, District Janjgir-Champa (Chhattisgarh)

---- **Respondents**

For Petitioners	Shri Bharat Rajput, Advocate and Shri Rahul Mishra, Advocate
For Respondent/State	Shri P.K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

06/10/2015

1. With the consent of the learned counsel for the parties, the matters are heard finally.
2. The petitioners of the present batch of the writ petitions were appointed as Adhoc Assistant Teacher for 3 months in the year 1982. On expiry of the said period of 3 months, they were discontinued from the services. The petitioners preferred original application before the State Administrative Tribunal in the year 1997-98 i.e. after about 14 years from their disengagement. The said original application was transferred to this Court and was re-registered as writ petition. All the writ petitions came to be disposed of on different dates in terms of the order passed by the Tribunal in case of **Malik Ram Sidar and others**

v. State of Madhya Pradesh and others, passed in O.A. No.624/1997. Accordingly, all the petitioners were granted liberty to prefer representation before the State Government, which was to be considered in light of the order passed in case of **Malik Ram Sidar** (supra). The said representation has been dismissed by the impugned order dated 13.07.2011.

3. It is argued that pursuant to the order passed by this Court in earlier writ petitions, a circular was issued on 09.06.2008 where after one Puranik Ram Sahu has been appointed on 28.06.2008, therefore, the petitioners are also entitled to similar relief.
4. The order deciding the petitioners' representation clearly states that the majority of the candidates have crossed the maximum age limit for government service and they are out of service since last more than 25 years; they were earlier engaged for limited period of 3 months, therefore, their re-employment is not possible.
5. In one of the writ petitions of the present batch i.e. WPS No.1418/2012, this Court directed on 20.09.2012 that it be heard along with WPS No.2114/2012. The said writ petition has already been dismissed by a coordinate Bench vide order dated 26.09.2012 observing the following:-

“It appears that in view of order passed in the case of **Murli Prasad (supra)**, the State Government constituted a committee to consider the cases of adhoc teachers for their suitability for their reappointment. Moreover, it is also revealed that at some point of time, the Government also obtained various recommendations from various Collectors. However, the State has not issued any order of reappointment of the petitioners.

No command can be issued to the State Government to grant appointment. Whether or not the appointment should be given, is a matter of consideration for the competent

authority. Present is not a case where the petitioner has challenged his termination as adhoc teacher. If the termination is not under challenge, no specific command can be issued by the Court to the State Government to necessarily appoint the petitioner. Mere recommendation of the Collector would not create an enforceable right in favour of the petitioner so as to seek issuance of writ of mandamus to confer appointment to the petitioners.

In the opinion of this Court, the petition is misconceived in law and is therefore, dismissed.”

6. The case of the present petitioners being similar, this Court would not take any different view of the matter.
7. Insofar as the ground urged in the writ petition of appointment to one Puranik Ram Sahu, suffice it would be to mention that each case is to be decided on the basis of its own facts. This Court is not placed with the order passed in the writ petition of Puranik Ram Sahu. Even if one candidate is granted some relief, which is otherwise not admissible, the same may not furnish any ground to seek parity as law does not recognize negative equality.
8. For the foregoing, all the writ petitions are dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

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