

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4229 of 2015**

Smt. Shyam Bai W/o Shri Narendra Kumar Chourasiya, Aged About 37 Years R/o Village Buchipar, Post Chhatan, Tahsil And P.S. Mungeli, District Mungeli, (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Chief Executive Officer, District Panchayat, District Mungeli, (Chhattisgarh)
3. The Chief Executive Officer , Janpad Panchayat, Mungeli, District Mungeli, (Chhattisgarh)
4. The Block Education Officer, Block Mungeli, District Mungeli, (Chhattisgarh)

---- **Respondents****And****WPS No.4233 of 2015**

Smt. Pushpa Dhruw, W/o Shri Ram Kumar Netam, aged about 37 years, Resident of Village Madanpur, Post Office Kodwabani, Tahsil and P.S. Mungeli, District Mungeli (C.G.)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Chief Executive Officer, District Panchayat, District Mungeli, (Chhattisgarh)
3. The Chief Executive Officer , Janpad Panchayat, Mungeli, District Mungeli, (Chhattisgarh)
4. The Block Education Officer, Block Mungeli, District Mungeli, (Chhattisgarh)

---- Respondents

For Petitioners : Shri Anil Mourya, Advocate.
For Respondents/State : Shri Dhiraj Wankhede, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19/11/2015**

(1) W.P. (S) Nos. 4229/2015 & 4233/2015, involve common facts and common question of law and, as such, require consideration and disposal by the common order.

(2) The petitioners are working as Instructor under Shiksha Guarantee Scheme at Budhwara & Jhulnakhand, respectively. They are claiming absorption as Assistant Teacher (Panchayat). In the first round of litigation, this Court in W.P. (S) Nos. 174/2015 & 146/2015, respectively directed the respondents authorities to consider their representations on its own merits.

(3) Now, the State Government/Competent Authority by its impugned order dated 11.02.2015 has rejected their representations holding that appointment of Assistant Teacher (Panchayat) is governed by Chhattisgarh Teacher (Panchayat) Cadre (appointment & Condition) Rule, 2012 (henceforth 'Rule,2012') in which minimum eligibility criteria & mode of appointment have been prescribed and the petitioners are not entitled for absorption contrary to the Rule, 2012.

(4) It is well settled that the absorption has to be made in accordance with applicable Rules and no person is entitled for absorption contrary to the Rules.

(5) Accordingly, as the Rules, 2012 does not permit the absorption of the petitioners on the post of Assistant Teacher (Panchayat), the writ petition as framed and filed deserve to be dismissed.

(6) Accordingly, both the writ petitions fail and are hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-