

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1107 of 2015**

1. Kamleshwar Singh S/o Bisahu Singh Aged About 44 years Working As Lecturer (Panchayat), Government Girls Higher Secondary School, Khairagarh, Police Station- Khairagarh, District Rajnandgaon, (Chhattisgarh)
2. Anil Kumar Janghel S/o Shri Sarju Ram Janghel Aged About 44 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Atariyabazar, Police Station- Khairagarh, District Rajnandgaon, (Chhattisgarh)
3. Dharamchand Jain S/o Shri Chandanmal Jain Aged About 43 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Mohla, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
4. Sunil Kumar Guni S/o Shri Ganesh Chand Guni Aged About 44 Years Working As Lecturer (Panchayat), Dr. P.P.B. Higher Secondary School, Khairagarh, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
5. Kapil Dev Verma S/o Shri Ramgopal Verma Aged About 45 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Jalbandha, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
6. Rajendra Verma S/o Shri Gangaprasad Verma Aged About 47 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Atariyabazar, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
7. Doman Ram Mandloi S/o Shri Punaram Mandloi Aged About 51 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Atariyabazar, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
8. Gulab Singh Markam S/o Late Shri Puran Ram Aged About 45 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Atariyabazar, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
9. Basant Kumar Lariya S/o Shri Mannu Lal Lariya Aged About 45 Years Working As Lecturer (Panchayat), Government Higher Secondary

School, Thelkadih, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)

10. Mukesh Shukla S/o Shri Loknath Shukla Aged About 45 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Bundeli, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
11. Shrikesh Kumar Sharma S/o Late Shri Shivkumar Sharma Aged About 46 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Tilai, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
12. Sanjay Kumar Verma S/o Late Shri Ganesh Prasad Verma Aged About 43 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Tilai, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
13. Bhhuwalji Sahu S/o Shri Kartik Ram Sahu Aged About 44 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Mohara, Police Station Dongargarh, District Rajnandgaon (Chhattisgarh)
14. R.D. Banjare S/o Shri Doulal Banjare Aged About 45 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Mudipar, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)
15. Jayprakash Sahu S/o Shri Basant Kumar Sahu Aged About 44 Years Working As Lecturer (Panchayat), Government Higher Secondary School, Musra, Police Station Khairagarh, District Rajnandgaon (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Principal Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Director, Directorate Public Instructions, Raipur, (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)

---- **Respondents**

For Petitioners : Shri Gautam Khetrapal & Shri Avinash Chand Sahu, Advocates.
For Respondents : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/08/2015

1. The petitioners have preferred this writ petition seeking direction to the respondents to conduct limited examination for filling up 25% posts of Principal in the Department of School Education from amongst the eligible Shiksha Karmi Grade-I.
2. Learned counsel for the petitioners would submit that under the Chhattisgarh School Education (Gazetted) (School Level Service) Recruitment and Promotion Rules, 2014, 25% posts are required to be filled up from the eligible lecturers/Shiksha Karmi Grade-I (Lecturer Panchayat), however, such examination has not taken place and in the meanwhile, large number of candidates like the petitioners would become overage. Therefore, the respondents be directed to forthwith conduct such examination.
3. Learned State counsel would submit that filling up of post of particular quota envisaged in the recruitment rules depends on several factors including the administrative exigency about requirement of posts in the department, therefore, unless the entire facts are placed before this Court, a writ of mandamus would not lie.
4. True it is, filling up of the posts would depend on administrative exigency, yet if the posts are vacant, it is expected of the concerned authority/Government to take up the matter.
5. In the facts and circumstances of the case, the writ petition is disposed of with a direction that as and when the State Government decides to fill

up 25% posts through limited departmental examination, all such eligible candidates who are qualified to participate under the recruitment rules shall be considered.

Sd/-

Judge

(Prashant Kumar Mishra)

Barve