

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3294 of 2016

N.K.Pradhan S/o Ramadheen Pradhan, Aged About 62 Years R/o
Rajapara, Ward No 3, Sakti District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Education
Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. District Education Officer, Sakti District Janjgir Champa Chhattisgarh
3. Kamta Prasad Rathore, Promoted Principal R/o Village Portha, Block
Sakti, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	: Mr. Ajay Shrivastava, Advocate
For Respondent-State	: Mr. Dheeraj Wankhede, Government Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/08/2016

Heard on admission.

1. The petitioner has filed this petition seeking a direction that in view of Government Circular dated 15.06.2012 (Annexure P/3), the petitioner is entitled to reappoint till the end of the educational session. He submits that as the petitioner attained the age of superannuation after start of the educational session 2016-2017 from 1st of March, 2016, the petitioner ought to be given reappointment till the end of the session i.e. 31st of March, 2017.
2. Prima facie, a perusal of circular dated 15.06.2012, appears to be a

policy to reappoint the teacher till the end of the session in case, teacher is attaining the age of superannuation in the midst of the educational session. Moreover, it appears that the policy was earlier sought to be withdrawn but has been revived as is clear from the State Government's memo dated 29.04.2016 (Anneuxre P/5). Not only this but the District Education Officer vide his endorsement dated 30th of April, 2016 has also recommended the matter.

3. Therefore, in these circumstances, the matter requires consideration at the level of the State Government. I find that the petitioner has submitted an application addressed to the Secretary of the Department through District Education Officer on 20th of May, 2016. More than two months have elapsed but decision has not been taken.
4. The object of the policy is that retirement of a teacher in the midst of the session should not adversely affect the studies. If that is the object, the matter requires urgent consideration.
5. The respondent No.1/ Secretary, Department of Education, Mahanadi Bhavan, Raipur shall take decision in the case of the petitioner in accordance with the policy of the State Government within a period of 30 days from the date of receipt of copy of this order.
6. With the aforesaid observations, the petition is disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge