

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5595 of 2016**

1. Rajendra Kushwaha S/o Shri Rambharosh Aged About 39 Years Part Time Sweeper Middle School Kenwara Block Bhaiyathan R/o Village Chunchapara Kenwara P. S. & Tahsil Bhaiyathan Distt. Surajpur (Chhattisgarh)
2. Balbhadra Ram Rajwade S/o Late Bhajan Ram Aged About 42 Years Part Time Sweeper Govt. Primary School Sarnapara Sirsi R/o Village Sarnapara (Sirsi) P. S. & Tahsil Bhaiyathan Distt. Surajpur (Chhattisgarh)
3. Doulat Ram S/o Shri Mehilal Aged About 26 Years Part Time Sweeper Govt. Primary School Manthapani R/o Village Baijnathpur P. S. & Tahsil Bhaiyathan Distt. Surajpur (Chhattisgarh)
4. Santosh Kumar Kushwaha S/o Shri Dadai Ram Aged About 41 Years Part Time Sweeper Govt. High School Kenwara R/o Village Ghunchapara Kenwara P. S. & Tahsil Bhaiyathan Distt. Surajpur (Chhattisgarh)
5. Kamla Prasad S/o Shri Madhav Prasad Aged About 42 Years Part Time Sweeper Govt. Primary School Belpara Kusmushi R/o Village Belpara Kusmushi P. S. & Tahsil Bhaiyathan Distt. Surajpur (Chhattisgarh)
6. Smt. Indrawati W/o Late Bandhu Ram Aged About 43 Years Part Time Sweeper Govt. Middle Girls School Lakhanpur R/o Village Lakhanpur P. S. & Tahsil Bhaiyathan Distt. Surajpur (Chhattisgarh)

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Tribal Development Mahanadi Bhawan, New Raipur Dist. Raipur (Chhattisgarh)
2. The Commissioner, Tribal Development Indrawati Bhawan, New Raipur Distt. Raipur (Chhattisgarh)
3. The Collector, Surajpur Distt. Surajpur (Chhattisgarh).
4. The Assistant Commissioner, Tribal Development Surajpur Distt. Surajpur (Chhattisgarh)
5. The District Education Officer, Surajpur Distt. Surajpur (Chhattisgarh)
6. The Block Education Officer, Bhaiyathan, Distt. Surajpur (Chhattisgarh)

---- Respondents

For Petitioners : Shri AN Pandey, Advocate.

For Respondents/State : Shri Dilman Rati Minj, Dy. Gov. Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

07/10/2016

1. The petitioners by way of this petition seek a direction to the respondents to take back their services as part-time sweeper in the light of directives given by this court in Shivnarayan Paikra's case.
2. The case of the petitioners is that, they were appointed as Part-Time Sweeper in the different Schools (Annexure P/3). It is submitted that vide common order their services were subsequently discontinued from July 2012 i.e. after putting them about one month of service.
3. Learned counsel appearing for the petitioners submits that similarly placed persons had already filed writ petition which has been disposed of by this court with a direction to the respondents to consider the case of each persons individually and independently and to reach to the conclusion whether there has been any illegalities or corruption taken place in case of each of the individuals. That was the judgment of this court in case of Rameshwar Prasad Rajwar & Ors. Vs. State of Chhattisgarh & Ors.
4. He further submits that in the light of judgment in case of Rameshwar (Supra) similarly placed persons had filed writ petition i.e. WPS No.5054 of 2016 and this court on 22.09.2016 has disposed of the said writ petition also in terms of judgment of this court in case of Rameshwar (Supra). Therefore, this petition may also be disposed of in similar terms as of WPS No. 5054 of 2016.
5. Learned counsel for the State, on verifying the facts submits that the case

of the petitioners are also identical in nature as that of WPS No. 5054 of 2016 and the State has no objection if this petition is disposed of in terms of order passed in WPS No. 5054 of 2016.

6. Accordingly, the petition is allowed in similar terms of order dated 22.09.2016 passed by this court in WPS No. 5054 of 2016 (Shivnarayan Paikra & Ors. Vs. State of Chhattisgarh & Ors). It is directed that the respondents shall individually examine the case of the petitioners and verify the facts and if the petitioner's case is found identical to that of petitioners in case of Rameshwar (Supra), then the benefit accrued to those petitioners shall also be provided to the present petitioners.
7. It is expected that the authorities shall conduct an individual examination in respect of each petitioners and thereafter shall take a final decision within a maximum period of four months from today.
8. With the aforesaid observation, the writ petition is allowed. No order as to costs.

Sd/-
(P.Sam Koshy)
Judge