

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 45 of 2016**

Smt. Shyam Bai W/o Shri Narendra Kumar Chourasiya, aged about 37 years,
Resident of Village Buchipar, Post office Chhatan, Tahsil and P.S. Mungeli,
District Mugeli (Chhattisgarh).

---- Appellant**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 Appellant : Shri Ajay Barik, Advocate.
For Respondents/State : Shri R.K.Gupta, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****11/02/2016**

1. IA No. 1 of 2016 has been filed to condone delay of 17 days in filing the appeal. Considering the duration, delay is condoned.
2. The present appeal arises from order dated 19.11.2015 dismissing Writ Petition (S) No. 4229 of 2015. The Learned Single Judge declined to issue any mandamus for absorption of the Appellant as Assistant Teacher (Panchayat) pursuant to earlier appointment as Instructor in view of the promulgation of the Chhattisgarh Teacher (Panchayat) Cadre (Appointment and Conditions) Rules, 2012 (hereinafter called 'the Rules') prescribing the minimum eligibility criteria as

also the mode and method of appointment in accordance with Article 14 of the Constitution.

3. Learned Counsel for the Appellant submits that earlier Instructors have been absorbed on the post of Assistant Teacher (Panchayat) on basis of certain Government instructions of the year 2004.

4. Learned Counsel for the State has opposed the appeal submitting that no appointment can be made contrary to the statutory rules.

5. Having considered the submissions on behalf of the parties, we find no reason to interfere with the conclusion of the Learned Single Judge that after promulgation of the Rules, any appointment has to be strictly in accordance with the same. The question of issuing any direction for absorption contrary to the Rules does not arise.

6. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE