NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 117 of 2016

1. Smt. Madhu Sahu W/o Shri Suresh Kumar Sahu, Aged About 25 Years R/o Village Misda, Tehsil Navagarh, District Janjgir Champa (Chhattisgarh)
2. Tilak Ram Mahant, S/o Shri Kanhaiya Das Mahant, Aged About 30 Years R/o Village Dumarpali, Post Patelpali, Tehsil Pumaur, District Raigarh, Chhattisgarh.

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Dist. Raipur, Chhattisgarh.
2. Director, Directorate Of Panchayat And Rural Development, Mantralaya, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Janpad Panchayat Baramkela, Through The Chief Executive Officer, Janpad Panchayat Baramkela, Baramkela, District Raigarh, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Baramkela, Baramkela, District Raigarh, Chhattisgarh.
5. Pramod Bairagi, S/o Shri Naveen Das, Aged About 34 Years R/o Aurda, Tehsil Pumaur, District Raigarh (Chhattisgarh)
6. Amrita Mahada, D/o Shri Krishnachand Mahada, Aged About 22 Years R/o Village Pumaur, Tehsil Pumaur, District Raigarh Chhattisgarh.

---- Respondents

For Appellants : Shri Amrito Das, Advocate.
For Respondent/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

02/03/2016

1. The present appeal arises from a common order dated 24.11.2015 in Writ Petition (S) No. 97 of 2015 and analogous cases.

2. Learned Counsel for the Appellants submits that on 25.4.2014 the Department of Panchayat and Rural Development after having published an advertisement decided to postpone appointment of Teachers (Panchayat) and Assistant Teachers (Panchayat) till further orders. The matter is still in abeyance

and the Appellants only seek a direction for taking a final decision in the matter either ways.

3. Learned Counsel for the State rightly points out that merely because an advertisement may have been issued, no indefeasible right accrues to the Appellants even if they have been empanelled to seek mandamus for appointment. The Government reserves the right not to make the appointments even against available vacancies for justified reasons. The Learned Single Judge has adequately taken note of the fact that the order of abeyance was in pursuance of a policy decision for specified reasons with regard to Teacher-Student ratio etc. The order of the Learned Single Judge that even empanelled candidates have no indefeasible right therefore requires no interference.

4. The only appropriate order to be passed by us is to direct the Respondents to take a final appropriate decision in accordance with law regarding the selection process having been kept in abeyance since considerable time has passed.

5. The life of a panel is normally one year in accordance with Article 14 of the Constitution unless there is a statutory prescription with regard to the same and it has been extended in accordance with the same. Another important aspect also is coming into being of wholly new work force in the meantime who also have a right under Article 14 of the Constitution to be considered as much as the Appellants. All these aspects are necessary to be kept in mind by the authorities while taking a final decision.

6. The writ appeal is disposed in the aforesaid terms.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Anu