

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1748 of 2005**

1. Tilak Dewangan S/o Shri Kartik Ram Dewangan, R/o Post Sirri, Tah. Dhamtari, Distt. Raipur (Chhattisgarh)
2. Sheikh Saleem S/o Shri Sheikh Jumman, C/o Sheikh Jumman, Infront Of Bunkar Sangh, Amapara Raipur, House No. 32/102,
3. Deenanath Dewangan, S/o Shri Tejnath Dewangan, C/o Pradeep Dewangan, Kirana Stores, Ramkund- Para, Post Vivekanand Ashram, Raipur (Chhattisgarh)
4. Jeevnandan Lal Verma, S/o Shri Kanhaiyalal Verma, C/o Pradeep Dewangan, Kirana Stores, Ramkund Para, Post Vivekanand Ashram, Raipur (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Collector, Distt. Raipur (Chhattisgarh)
3. Dy. Director Of Education, Distt. Raipur (Chhattisgarh) Directorate Of Public Instructions, Chhattisgarh, Raipur Distt. Raipur (Chhattisgarh)
4. District Education Officer, Raipur, District Raipur (Chhattisgarh)

---- Respondents

Shri Mateen Siddiqui, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/10/2016**

The petitioners, by this petition, have prayed for direction to constitute Selection Committee for consideration of cases of the petitioners for regularisation as Assistant Teachers in the School Education Department on regular basis with all consequential benefits.

2. Indisputably, the petitioners are those, who were engaged as adhoc teachers to work for temporary session. The services of the petitioners came to an end after the period of adhoc services was completed. Some of the similarly situated

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teachers, who were also appointed on adhoc basis for a short time and discontinued from service approached the High Court of Madhya Pradesh and thereafter, the State Administrative Tribunal, Raipur wherein, a direction was issued for constituting a committee for consideration of their cases for their regular appointment. The petitioners, thereafter, filed case before the State Administrative Tribunal registered as Original Application under the provisions of Administrative Tribunals Act, 1985. After abolition of Tribunal, this case has been transferred to this Court.

3. Learned counsel for the petitioner submits that earlier, when large number of such teachers approached, aggrieved by termination and in large number of cases, orders were passed by the High Court of Madhya Pradesh and State Administrative Tribunal for consideration of their cases for regular appointment upon constitution of selection committee by scrutiny of their cases with regard to their eligibility, qualification and suitability. Learned counsel for the petitioner submits that in some of the cases, when the petitions were dismissed, the employees approached the Supreme Court and the Supreme Court in the case of Pramod Kumar Khare v. State of Madhya Pradesh directed that parity should be maintained and appropriate order be passed. Therefore, it is submitted that in view of the order passed by the Supreme Court and various orders passed by the High Court of Madhya Pradesh and the State Administrative Tribunal from time to time, in respect of similarly situated adhoc employees, copies of which have been placed on record as Annexure P/5 (collectively) and Annexure P/6, the case of the petitioner be also considered for regularisation.

4. On the other hand, learned State counsel submits that the petitions were filed by the petitioners before the Tribunal after long delay. It is submitted that the petitioners were adhoc teachers appointed for a short period only as a stop gap arrangement. The last duration of service was only upto 13/01/1982 whereas the Original Application was filed before the Tribunal in the year 1998, after nearly 17 years. It is next submitted that the petitioners were discontinued from adhoc service long back and they filed their petition in the year 1998 and at this stage, no direction can be issued for consideration of their case for regularisation because the Supreme Court, in its authoritative pronouncement, in the case of **Secretary, State of Karnataka and others Vs. Uma Devi (3) and others, 2006(4) SCC 1** has directed that no regularisation can be done except in accordance with the directions by the Supreme Court in limited number of cases. He submits that petitioners, being out of employment since more than 13 years, are not entitled to re-instatement and consideration of regularisation on the basis of parity that in

some of the cases, High Court of Madhya Pradesh have directed for consideration of cases for regularization.

5. Be that as it may, after the authoritative pronouncement in the case of **Uma Devi** (supra), no direction can be issued to regularise the services of the petitioner who were adhoc teachers appointed way back in the year 1981- 82 and their services were also discontinued at that point of time. The petitioners cannot claim consideration of their cases for regularization at this stage after the judgment of the Supreme Court in the case of **Uma Devi** (supra). The ground of parity, therefore, does not come to the aid of the petitioners in view of recent judicial pronouncement against claim for regularization.

6. I do not find any merit in this petition. The petition is accordingly dismissed.

Sd/-
Manindra Mohan Shrivastava
Jude