

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition No.7624 of 2006

1. Rohit Kumar Dhurwe, Aged about 25 years, Son of Shri Bhuwan Singh, (Teacher under the Janbhagidari Scheme), Govt. High School, Kodwamahant Tahsil Lormi, District Bilaspur (CG)
2. Pooran Lal Jaiswal, Aged about 33 years, Son of Shri Manharan Lal Jaiswal, (Teacher under the Janbhagidari Scheme), Govt. High School, Kodwamahant Tahsil Lormi, District Bilaspur (CG)
3. Anil Kumar Maravi, Aged about 27 years, Son of Shri Bhikham Singh Maravi, (Teacher under the Janbhagidari Scheme), Govt. High School, Kodwamahant Tahsil Lormi, District Bilaspur (CG)
4. Ramsevak Berman, Aged about 31 years, Son of Shri Bhulauram Berman, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Baijalpur, Tahsil Lormi, District Bilaspur (CG)
5. Saheb Lal Khandey, Aged about 40 years, Son of Shri Jhamman Lal Khandey, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Baijalpur, Tahsil Lormi, District Bilaspur (CG)
6. Janohar Ram Patel, Aged about 27 years, Son of Shri Jaleshwar Ram (Teacher under the Janbhagidari Scheme), Govt. Middle School, Rabeli, Tahsil Lormi, District Bilaspur (CG)
7. Bhaiyalal Kashyap, Aged about 24 years, Son of Shri Jagdish Prasad Kashyap, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Rabeli, Tahsil Lormi, District Bilaspur (CG)
8. Dilip Kumar Singh, Aged about 24 years, Son of Shri Ramnath Singh, (Teacher under the Janbhagidari Scheme), Govt. Higher Secondary School, Rabeli, Tahsil Lormi, District Bilaspur (CG)
9. Narayan Prasad Sahu, Aged about 25 years, Son of Shri Mahettar Ram Sahu, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Ramherpur (J), Tahsil Lormi, District Bilaspur (CG)
10. Pokal Singh Yadav, Aged about 27 years, Son of Shri Dayaram Yadav, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Kodwamahant Tahsil Lormi, District Bilaspur (CG)
11. Sonuram Sahu, Aged about 23 years, Son of Shri Chaitram Sahu, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Phoolwari, Tahsil Lormi, District Bilaspur (CG)
12. Vijay Kumar Khandey, Aged about 25 years, Son of Shri Asharam Khandey, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Amaldihi, Tahsil Lormi, District Bilaspur (CG)
13. Gaukaran Sahu, Aged about 28 years, Son of Shri Mungeliharam

- Sahu, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Amaldihi, Tahsil Lormi, District Bilaspur (CG)
14. Shiv Prasad Sahu, Aged about 30 years, Son of Shri Juthel Ram Sahu, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Tikakpur, Tahsil Lormi, District Bilaspur (CG)
 15. Anil Kumar Bhargava, Aged about 25 years, Son of Rammilan Bhargava, (Teacher under the Janbhagidari Scheme), Govt. High School, Majhgava, Tahsil Lormi, District Bilaspur (CG)
 16. Govind Ram Sahu, Aged about 27 years, Son of Shri Lalji Ram, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Leelapur, Tahsil Lormi, District Bilaspur (CG)
 17. Ramesh Kumar Sahu, Aged about 22 years, Son of Shri Ramsharan Sahu, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Leelapur, Tahsil Lormi, District Bilaspur (CG)
 18. Prahlad Kumar Sahu, Aged about 28 years, Son of Shri Ajuram Sahu, (Teacher under the Janbhagidari Scheme), Govt. Middle School, Leelapur, Tahsil Lormi, District Bilaspur (CG)
 19. Sandeep Kumar Soni, Aged about 37 years, Son of Shri Dayashankar Soni, (Teacher under the Janbhagidari Scheme), Govt. High School, Chandli, Tahsil Lormi, District Bilaspur (CG)
 20. Kush Kumar Soni, Aged about 43 years, Son of Shri Bharat Lal Sahu, (Teacher under the Janbhagidari Scheme), Govt. High School, Khaprikala, Tahsil Lormi, District Bilaspur (CG)
 21. Rajmani Tiwari, Aged about 35 years, Son of Shri Jageshwar Prasad Tiwari, (Teacher under the Janbhagidari Scheme), Govt. High School, Mangla, Janpad Panchayat Bilha, District Bilaspur (CG)

---- **Petitioners**

Versus

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralaya, D.K.S. Bhawan, Raipur (CG)
2. The Director, Public Instructions, Raipur (CG)
3. The District Education Officer, Education District Bilaspur (CG)
4. The Secretary, Panchayat and Social Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur (CG)

---- **Respondents**

For Petitioner	:	Mr.P.P.Sahu, Advocate
For Respondents	:	Mr.Gary Mukhopadhyay, G.A.

Hon'ble Shri Sanjay K. Agrawal, J.

Order on Board

25/10/2016

1. The petitioners were earlier temporarily engaged to work as a Teacher in the schools run by Janbhagidari Samiti. They are not appointed in accordance with any rules. After increasing the strength of the students, those schools were upgraded as Government Schools and services of the petitioners have been dispensed with and regular teachers to teach in that schools have already been appointed.
2. Now the petitioners have filed this writ petition on 11.7.2006 claiming that the State Government be directed to absorb the services of the petitioners in which they were working.
3. Since the schools run by the Janbhagidari Samiti have now been closed and schools have been upgraded as Government Schools and posts of the teachers have been filled up in accordance with the relevant service rules, the respondents cannot be directed to be absorbed by way of issuance of writ contrary to the rules.
4. It is well settled law that absorption of a person not appointed in accordance with the rules would result in denial of equal opportunity in the matter of employment to other eligible

candidates for public office (See **Union of India and others Vs. Kishan Gopal Vyas**).¹

5. However, if the advertisement is issued for recruitment for the post of Teacher, the petitioners are at liberty to apply for the said post and to appear in accordance with law.
6. With the aforesaid observation, the writ petition stands disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-

¹ (1996) 7 SCC 134