

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6828 of 2016**

Vijay Kumar Nishad S/o Satyanand Nishad, Aged About 30 Years R/o Village And Post Gatadih, Tahsil Bilaigarh, Distirct Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary School Education Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil Arang, Naya Raipur, Distirct Raipur Chhattisgarh
2. Secretary, Department Of Panchayat And Rural Development, Mantralaya P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distirct Raipur, Chhattisgarh
3. Director, Public Instructions, Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Baloda Bazar, Distirct Baloda Bazar - Bhatapara, Chhattisgarh

---- Respondents

For Petitioner	: Mr. CJK Rao, Adv.
For Respondents/State	: Mr. Prasun Bhaduri, GA on advance copy.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19/12/2016**

1. Heard. Issue notice.
2. Mr. Bhaduri accepts notice on behalf of respondents. Hence the petitioner is not required to pay separate PF for respondents.
3. At the outset, learned counsel for the petitioner submits that instant petition may be disposed of in the light of order dated 25-10-2016 passed in Writ Petition No. 7624/2006 in para 4 and 5 as the present matter is covered by that case.
4. Learned counsel for the respondents agreed to the prayer and submits that the instant writ petition may be disposed of in the light of para 4 and 5 of the order dated 25-10-2016 passed in WP No. 7624/2006.

5. On due consideration, instant WPS is disposed of under the observation and direction given in para 4 and 5 of the order dated 25-10-2016 passed in W.P. No. 7624/2006 which are reproduced below :

“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 -v- Kishan Gopal Vyas** reported in (1996) 7 SCC 134).

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.

7. No order as to costs.

Sd/-
(Chandra Bhushan Bajpai)
Judge