

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6821 of 2016**

1. Girdhari Lal Manikpuri S/o Mahatma Das Manikpuri, Aged About 34 Years R/o Village And Post Manpasar Via Sarsiwa, Tahsil Bhilaigarh, Distirct Baloda Bazar Bhatapara Chhattisgarh
2. Nandlal Karsh S/o Manbodh Ram Karsh, Aged About 43 Years R/o Village And Post Manpasar Via Sarsiwa, Tahsil Bhilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
3. Mohan Lal Chouhan S/o Jhithu Ram Chouhan, Aged About 35 Years R/o Of Village And Post Manpasar, Vie Sarsiwa, Tahsil Bhilaigarh, District Baloda Bazar Bhatapara Chhattisgarh

---- Petitioners**Versus**

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

---- Respondents

For Petitioners : 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 petitioners are not required to pay separate PF for respondents.
3. At the outset, learned counsel for the petitioners 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