

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.7006 of 2016

Vivekanand Das, S/o Santosh Das, aged about 40 years, R/o Village Antarla, Post Kosgaon, Block Saraipali, Distt. Mahasamund (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur (C.G.)
2. Secretary, Department of Panchayat and Rural Development, Mantralaya, P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur (C.G.)
3. Director, Public Instructions, Raipur, Indrawati Bhawan, Naya Raipur (C.G.)
4. Chief Executive Officer, Zila Panchayat, Mahasamund, Distt. Mahasamund (C.G.)

---- Respondents

Writ Petition (S) No.7008 of 2016

1. Kirti Kumar Nayak, S/o Chandrabhan Nayak, aged about 38 years, R/o Village Rajpalpur, Post Limdarha, Block Pithoura, Distt. Mahasamund (C.G.)
2. Johit Ram Sao, S/o Moti Lal Sao, aged about 38 years, R/o Village Rajpalpur, Post Limdarha, Block Pithoura, Distt. Mahasamund (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur (C.G.)
2. Secretary, Department of Panchayat and Rural Development, Mantralaya, P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur (C.G.)
3. Director, Public Instructions, Raipur, Indrawati Bhawan, Naya Raipur (C.G.)

4. Chief Executive Officer, Zila Panchayat, Mahasamund, Distt. Mahasamund (C.G.)

---- Respondents

Writ Petition (S) No.7017 of 2016

Ramesh Kumar Patel, S/o Gangadhar Patel, aged about 30 years, R/o Village and Post Chanat, Block Basna, District Mahasamund (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil Aarang, Naya Raipur, District Raipur (C.G.)
2. Secretary, Department of Panchayat and Rural Development, Mantralaya, P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur (C.G.)
3. Director, Public Instructions, Raipur, Indrawati Bhawan, Naya Raipur (C.G.)
4. Chief Executive Officer, Zila Panchayat, Mahasamund, Distt. Mahasamund (C.G.)

---- Respondents

Writ Petition (S) No.7025 of 2016

1. Sohan Lal Patel, S/o Haldhar Patel, aged about 32 years, R/o Village Bhanwarchuwa, Block Basna, District Mahasamund (C.G.)
2. Sumat Patil, S/o Narad Patil, aged about 33 years, R/o Village Bhanwarchuwa, Block Basna, District Mahasamund (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil Aarang, Naya Raipur, District Raipur (C.G.)
2. Secretary, Department of Panchayat and Rural Development, Mantralaya, P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur (C.G.)
3. Director, Public Instructions, Raipur, Indrawati Bhawan, Naya Raipur (C.G.)

4. Chief Executive Officer, Zila Panchayat, Mahasamund, Distt. Mahasamund (C.G.)

---- Respondents

AND

Writ Petition (S) No.7029 of 2016

1. Narottam Choudhary, S/o Bhismddev Choudhary, aged about 40 years, R/o Village Tilakpur, Post Pathrala, Block Pithoura, Distt. Mahasamund (C.G.)
2. Sujeet Kumar, S/o Harikumar, aged about 46 years, R/o Village Narsinghpur, Post Jagdishpur, Block Pithoura, Distt. Mahasamund (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil Aarang, Naya Raipur, District Raipur (C.G.)
2. Secretary, Department of Panchayat and Rural Development, Mantralaya, P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur (C.G.)
3. Director, Public Instructions, Raipur, Indrawati Bhawan, Naya Raipur (C.G.)
4. Chief Executive Officer, Zila Panchayat, Mahasamund, Distt. Mahasamund (C.G.)

---- Respondents

For Petitioners: Mr. K.P. Sahu, Advocate.

For State/Respondents: Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/12/2016

1. Heard.
2. Issue notice.
3. Mr. Wankhede accepts notice on behalf of the State/respondents.

Hence the petitioners are not required to pay separate PF for the State/respondents.

4. At the outset, learned counsel for the petitioners submits that the instant writ petitions may be disposed of in the light of the order dated 25-10-2016 passed in W.P.No.7624/2006.
5. In W.P.No.7624/2006 vide order dated 25-10-2016, this Court held as follows: -

"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 Vyas¹).

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. In view of the above, the petitions are disposed of on similar terms as observed herein-above. No order as to costs.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Soma

1 (1996) 7 SCC 134