

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2393 of 2017

- Vikram Kumar Yadav S/o Shri Peela Dou Yadav, aged About 45 Years, Posted As Lecturer (Panchayat), Government Higher Secondary School, Bhuthiya, Block Saraipali, District Mahasamund (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block -II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2397 Of 2017

- Kartikeshwar Sao S/o Shri Bhagturam Sao, Aged About 50 Years, Posted As Assistant Teacher (Panchayat), Government Primary School, Bhanwarchuwan, Block Basna, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum- Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).

4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).
5. The Chief Executive Officer. Janpad Panchayat, Basna, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2390 Of 2017

- Dolesh Patel S/o Shri Nohar Singh Patel, Aged About 30 Years, Posted As Assistant Teacher (Panchayat), Government Primary School, Bichhiya, Block Basna, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).
5. The Chief Executive Officer. Janpad Panchayat, Basna, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2392 Of 2017

- Dinesh Kumar Kar S/o Maheshwar Kar, Aged About 40 Years, Posted As Lecturer (Panchayat), Government Higher Secondary, School, Bhudhiya, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).

2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2396 Of 2017

- Vijay Prasad Sao S/o Shri Gangaram Sao, Aged About 42 Years, Posted As Lecturer (Panchayat), Government Higher Secondary School, Badesajapali, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2389 Of 2017

- Lalit Choudhari, S/o Shri Gokul Prasad Choudhari, Aged About 46 Years, Posted As Lecturer (Panchayat), Government Primary School, Dhamanghutki, Block Basna, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur,

P. S. Rakhi, District Raipur (Chhattisgarh).

2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum- Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).
5. The Chief Executive Officer. Janpad Panchayat, Basna, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2398 Of 2017

- Suryakant Barik S/o Sheshdev Barik, Aged About 45 Years, Posted As Lecturer (Panchayat), Government Higher Secondary School, Baloda, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2388 Of 2017

- Manoj Kumar Bagh S/o Shri Ramlal Bagh, Aged About 32 Years, Posted As Assistant Teacher (Panchayat), Government Primary School, Padkipali, Block Basna, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).
5. The Chief Executive Officer, Janpad Panchayat, Basna, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2387 Of 2017

- Sirbhay Singh Chouhan S/o Shri Dukhu Chouhan, Aged About 39 Years, Posted As Lecturer (Panchayat), Government Girls Higher Secondary School, Bhanwarpur, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh)
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2399 Of 2017

- Baikunth Das S/o Shri Jethuram Das, Aged About 34 Years,

Posted As Lecturer (Panchayat), Government Higher Secondary School, Bhukel, District Mahasamund (Chhattisgarh).

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum- Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- **Respondent**

And

WPS No. 2427 Of 2017

- Suresh Kumar Sen S/o Shri Nathuram Sen, Aged About 47 Years, Posted As Lecturer (Panchayat), Government Higher Secondary School, Raitum, District Mahasamund (Chhattisgarh).

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- **Respondent**

And

WPS No. 2424 Of 2017

- Naresh Kumar Vishwakarma S/o Shri Kaliram Vishwakarma, Aged About 46 Years Posted As Lecturer (Panchayat), Government Higher Secondary School, Bodridadar, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2419 Of 2017

- Ramesh Kumar S/o Shri Alekh Kumar, Aged About 36 Years, Posted as Lecturer (Panchayat), Government Higher Secondary School, Jevra, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum- Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2423 Of 2017

- Smt. Kanaklata Vaishnav W/o Shri Sukdev Vaishnav, Aged About 38 Years, Posted As Lecturer (Panchayat), Government Higher Secondary School, Garhfuljhar, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2429 Of 2017

- Birendra Kumar Patel S/o Shri Jagdish Prasad Patel, Aged About 47 Years, Posted As Teacher (Panchayat), Government Upper Primary School, Jalgarh (Saraipali), Block Saraipali, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum-Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).
5. The Chief Executive Officer, Janpad Panchayat, Saraipali, District

Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2428 Of 2017

- Balmani Nayak S/o Shri Badriprasad Nayak, Aged About 42 Years, Posted as Assistant Teacher (Panchayat), Government Primary School, Boharpar, Block Basna, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Commissioner-Cum- Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).
5. The Chief Executive Officer, Janpad Panchayat, Basna, District Mahasamund (Chhattisgarh).

---- Respondent

And

WPS No. 2421 Of 2017

- Vidyacharan Sahu S/o Late Shri Antaryami Sahu, Aged About 47 Years, Posted as Teacher (Panchayat), Government Pre-Middle School, Chattigirola, (Saraipali), Block Saraipali, District Mahasamund (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Director, Public Instructions Chhattisgarh, Block - 3, First Floor, Indravati Bhawan, New Raipur (Chhattisgarh).

- 3. The Commissioner-Cum- Director, Panchayat And Social Welfare, Directorate Of Panchayat, 36- C- III, Block - II, Second Floor, Indravati Bhawan, New Raipur (Chhattisgarh).
- 4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh).
- 5. The Chief Executive Officer, Janpad Panchayat, Saraipali, District Mahasamund (Chhattisgarh).

---- Respondents

For Petitioners	Shri Anish Tiwari, Advocate on behalf Shri V. R. Tiwari, Advocate
For Respondent-State	Shri S. P. Kale, Dy. AG

Hon'ble the Vacation Judge

Order On Board

25/05/2017

- 1. Learned counsel for the petitioners would submit that the petitioners were appointed on the post of Shiksha Karmi Grade-II as they fulfilled the required educational qualifications applicable at that point of time. In due course, the petitioner have been promoted on the post of Lecturer (Panchayat).
- 2. After coming into force of the Chhattisgarh Shikshak (Panchayat) Sanvarg (Bharthi Tatha Sewa Ki Sharte) Niyam, 2012 (in short “the Rules, 2012”), the qualification of B.Ed./D.Ed. was made an essential qualification for recruitment of Teacher (Panchayat) and any such recruits, after promulgation of these Rules, were required to obtain the qualification of B.Ed/D.Ed. within a period of 02 years, however, the said requirement was not applicable in respect of the petitioners, who were appointed under the then existing Rules in the year 1999.

3. The CEO, Jila Panchayat, Mahasamund has now issued a communication on 27.4.2017 for withdrawing the annual increment and recovery of the amount paid under the Time Bound Pay Scale/equivalent Pay Scale on the ground that the petitioners and like candidates have not acquired the B.Ed./D.Ed. Qualification within 02 years from the date of promulgation of the Rules, 2012.
4. Having heard learned counsel for the parties and having examined the provisions of the Rules 2012, the orders issued by the authorities vide Annexure P/1, filed collectively, it appears that prima facie the petitioners may be correct in submitting that the Rules, 2012 may not put any onerous service condition, which was not applicable on the date of their appointment. However, at the same time, it also appears that the concerned authorities have not applied their mind to appreciate the issue as to whether such candidates, who were appointed prior to the promulgation of the Rules, were also required to obtain the qualification after coming into force the Rules, 2012, therefore, ends of justice would be served if the authorities are directed to consider the issue and take conscious decision by passing a reasoned order on merits.
5. Let the petitioners prefer a representation before the competent authority within a period of one month from today. The competent authority shall, thereafter, decide the matter within a further period of 04 months from the date of its submission. Till the matter is decided at the end of the competent authority by a speaking order, any amount already paid to the petitioners shall

not be recovered.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.
7. The writ petitions are accordingly disposed of.

Sd/-

V. JUDGE
PRASHANT KUMAR MISHRA

Nirala