

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2760 of 2017

1. Amit Kumar Dubey S/o Shri Bhaskar Prasad Dubey, Aged About 37 Years (Teacher Under The Janbhagidari Scheme) Govt. Middle School Dhangaon, Tehsil Bilaigarh, District Balodabazar Bhatapara (Chhattisgarh).
 2. Moti Lal Banjare S/o Shri Lakshman Prasad Banjare, Aged About 35 Years (Teacher Under The Janbhagidari Scheme) Govt. Middle School Taulidih C Tehsil Bilaigarh, District Balodabazar Bhatapara (Chhattisgarh).
- Petitioners**

Versus

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

For Petitioners	: Ms. Supriya Upasane, Advocate
For State	: Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

30/06/2017

Heard.

1. Learned counsel for the petitioners submits that the matter is similarly placed as an order passed by the Court in Writ Petition No.7624 of 2006 on 25.10.2016 and prays for a similar order.
2. 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.

3. Now the petitioners have filed this writ petition claiming that the State Government be directed to absorb the services of the petitioners in which they were working.
4. 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.
5. 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
6. 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.
7. With the aforesaid observation, the writ petition stands disposed of. No order as to cost(s).

Sd/-

(P.Sam Koshy)

J U D G E

Rekha

¹ (1996) 7 SCC 134