

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.172 of 2017

1. Vijay Kumar, S/o Hari Prasad, aged about 29 years, Sweeper, at Govt. Middle School Khadrapara, (Durti), Block Pratappur, District Surajpur (C.G.)
2. Rajesh Kumar Dubey, S/o Shri Bhanu Pratap, aged about 31 years, Sweeper, at Govt. Navin Primary School Saranapara, Marhatha, Block Pratappur, District Surajpur (C.G.)
3. Indrajeet, S/o Shri Shivmangal, aged about 34 years, Sweeper, at Govt. Navin Primary School Pandopara, (Durti), Block Pratappur, District Surajpur (C.G.)
4. Mandhari Prasad, S/o Shankar Ram, aged about 33 years, Sweeper, at Govt. Middle School Gonda, Block Pratappur, District Surajpur (C.G.)
5. Harihar Singh, S/o Shri Bodhan Singh, aged about 33 years, Sweeper, at Govt. Navin Primary School Khuthanpara, (Durti), Block Pratappur, District Surajpur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, Department of Tribal Welfare, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)
2. The Commissioner Scheduled Caste and Scheduled Tribes Development, Raipur, District Raipur (C.G.)
3. The Collector (Tribal Development), Surajpur, District Surajpur (C.G.)
4. The Assistant Commissioner, Tribal Development Surajpur, District Surajpur (C.G.)
5. The Block Education Officer, Pratappur, District Surajpur (C.G.)

---- Respondents

For Petitioners: Ms. Mandvi Bharadwaj, Advocate.
For Respondents/State: Mr. Avinash Singh, Panel Lawyer.

AND

Writ Petition (S) No.173 of 2017

Anand Ram, S/o Shri Bodhan Ram, aged about 23 years, Part time Sweeper, Primary School Nawapara, Basdei, P.S. & Tahsil Surajpur, District Surajpur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Tribal Development, Mahanadi Bhawan, New Raipur, Distt. Raipur (C.G.)
2. The Commissioner, Tribal Development, Indrawati Bhawan, New Raipur, District Raipur (C.G.)
3. The Collector, Surajpur, District Surajpur (C.G.)
4. The Assistant Commissioner, Tribal Development Surajpur, District Surajpur (C.G.)
5. The District Education Officer, Surajpur, Distt. Surajpur (C.G.)
6. Block Education Officer, Surajpur, Block Surajpur, Distt. Surajpur (C.G.)

---- Respondents

For Petitioner:	Mr. A.K. Prasad, Advocate, on behalf of Mr. A.N. Pandey, Advocate.
For Respondents/State: Mr. Avinash Singh, Panel Lawyer.	

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/01/2017

1. Heard.
2. Present petitions have been filed by the petitioners seeking for disposal of the petitions in the light of W.P.(S)No.6250/2016 which was disposed of by a coordinate Bench of this Court on 16-11-2016.
3. Case of the petitioners is that the petitioners were initially appointed as part-time Sweepers but were discontinued from service. Subsequently, some of the similarly placed persons filed cases before this Court namely *Rameshwar Prasad Rajwar and others v. State of Chhattisgarh and others* and other batch of writ petitions and this Court while disposing of the said writ petitions had directed the State Government to consider the case of the petitioners therein individually. Relevant portion of *Rameshwar Prasad Rajwar's* case (supra) is reproduced herein-below: -

"7. Upon hearing learned counsel for the parties, it would appear that even if the respective principals/head masters were not informed or

authorized to make appointment, the fact remains that the State Government had earlier issued communications to the effect there is no restriction for appointing part time sweepers. It has not been disputed by the respondents that the petitioners were in fact appointed by the respective principals/head masters prior to issuance of the order (Annexure P-1) and the order (Annexure P-7). Once the appointments have been made, even on part time basis, mass cancellation of appointments, without there being any specific individual allegation of corruption or nepotism is not permissible. At the same time, if any part time sweeper is not attending duties as he belongs to some other village or is otherwise not efficient in his work, it always remains open for the concerned head of the department or the appointing authority to initiate action, as the petitioners have no right to hold the post, being only part time sweepers."

4. Learned counsel for the petitioners submit that the present case is also identical and based on the case of *Rameshwar Prasad Rajwar* (supra). This Court in the case of *Harihar Prasad and others v. State of Chhattisgarh and others*, W.P.(S)No.6250/2016, decided on 16-11-2016 has disposed of another petition directing the State Government to consider the case of the petitioners and to verify whether they are similarly situated as that of the petitioners in the case of *Rameshwar Prasad Rajwar* (supra) and in case if they are also similarly situated, to grant them similar relief.
5. Learned State counsel, at this juncture, fairly submits that case of the petitioners herein is identical in nature and the present petitions can be disposed of in similar terms.
6. Accordingly, present petitions also stand disposed of in similar terms. The respondent Assistant Commissioner, Tribal Development, Surajpur, shall individually examine the case of the petitioners herein and shall verify the facts minutely and in case if the petitioners are found to be similarly situated, similar benefits may also be extended to the petitioners as well.
7. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge