

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.802 of 2017

Bhogsingh Nayak, S/o Shri Ramlal Nayak, aged about 38 years, R/o Village Ajgarkhar, P.O. Chanat, Block Pithoura, District Mahasamund(CG).

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
3. Director, Public Instructions, Indravati Bhawan, Raipur, District Raipur (CG)
4. Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (CG)
5. Block Executive Officer, Block Pithoura, District Mahasamund (CG)

---- Respondents

For Petitioner	:	Mr.K.P.Sahu, Advocate
For State	:	Mr. Prafull N. Bharat, Addl. Advocate General

Hon'ble Shri Sanjay K. Agrawal

Order on Board

17/2/2017

1. The petitioner was earlier temporarily engaged to work as a Teacher in the school run by Janbhagidari Samiti. He is not appointed in accordance with any rules. After increasing the strength of the students, the school was upgraded as Government School and

services of the petitioner have been dispensed with and regular teacher to teach in that school has already been appointed.

2. Now the petitioner has filed this writ petition on 13.2.2017 claiming that the State Government be directed to absorb the services of the petitioner in which he was working.
3. Since the school run by the Janbhagidari Samiti has now been closed and school has been upgraded as Government School and post of the teacher has 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.
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 Vs. Kishan Gopal Vyas**).¹
5. However, if the advertisement is issued for recruitment for the post of Teacher, the petitioner is 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 off.
No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-

¹ (1996) 7 SCC 134