

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.805 of 2017

1. Kaushilya Manikpuri D/o Biharilal Manikpuri, Aged About 46 Years Working As Sweeper At Adim Jati Kalyan Primary School, Kataipara, Surajpur, R/o Village Kharsura, Police Station Vishrampur, Tahsil And District Surajpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Department Of Tribal Welfare, Mantralaya, Mahanadi Bhavan, Raipur, District Raipur (Chhattisgarh)
2. The Commissioner, Scheduled Caste And Scheduled Tribes, Development, Raipur, District Raipur (Chhattisgarh).
3. The Collector (Tribal Development), Surajpur, District Surajpur (Chhattisgarh)
4. The Assistant Commissioner, Tribal Development Surajpur, District Surajpur (Chhattisgarh)
5. The Block Education Officer, Surajpur, District Surajpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Pushpendra Kumar Patel, Advocate
For State:	:	Shri Prasun Bhaduri, Govt. Advocate

S.B.:Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/02/2017

1. Heard.
2. Present petition has been filed by the petitioner seeking for disposal of the petition in the light of WP(S) No.6250/2016 which was disposed of by a coordinate Bench of this Court on 16.11.2016.

3. Case of the petitioner is that the petitioner was initially appointed as part-time Sweeper but was discontinued from service. Subsequently, some of the similarly placed persons filed cases before this Court namely *Rameshwar Prasad Rajwar and Others Vs. State of Chhattisgarh and Others* batch of writ petitions and this Court while disposing of the said writ petition had directed the State Government to consider the case of the petitioner. 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 that 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 petitioner submits 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 Vs. 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 petitioner and to verify whether he is similarly situated as that of the petitioner in the case of *Rameshwar Prasad Rajwar (supra)* and in case if he

is also similarly situated, to grant him similar relief.

5. Learned State counsel, at this juncture, fairly submits that case of the petitioners herein is identical in nature and the present petition can be disposed of in similar terms.
6. Accordingly, present petition also stands disposed of in similar terms. The respondent Assistant Commissioner, Tribal Development, Surajpur, shall individually examine the case of the petitioner herein and shall verify the facts minutely and in case if the petitioner is found to be similarly situated, similar benefits may also be extended to the petitioner as well.
7. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-