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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1709 of 2017**

- Parmeshwar Baghel S/o Shri Benuram Aged About 32 Years Posted As Assistant Teacher Panchayat, At Government Primary School Bhasmundi, R/o Village Gudhyaari, Block- Mainpur, District- Gariyaband, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector, Gariyaband, District Gariyaband, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Gariyaband, District- Gariyaband, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband, Chhattisgarh

---- Respondent**And****WPS No. 1745 Of 2017**

- Neelambar Jagat S/o Shri Lakhidhar, Aged About 32 Years Posted As Assistant Teacher Panchayat, At Government Primary School Amaad; R/o Village And Post Amaad, Block Mainpur, District Gariyaband (Chhattisgarh)

---- Petitioner**Vs**

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondent

And

WPS No. 1732 Of 2017

- Suresh Kumar Sharma S/o Shri Alakh Ram, Aged About 39 Years Posted As Assistant Teacher Panchayat, At Government Primary School Dhruvagudi; R/o Village And Post Navapara, Block Mainpur, District Gariyaband (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondent

And

WPS No. 1738 Of 2017

- Gajanand Ram Baghel S/o Shri Ghasi Ram Aged About 41 Years Posted As Assistant Teacher Panchayat, At Government Primary School Falsara; R/o Village Kodobhata, Block Mainpur, District Gariyaband (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondent

And

WPS No. 1731 Of 2017

- Jan Singh Manjhi S/o Shri Kusoram, Aged About 36 Years Posted As Assistant Teacher Panchayat, At Government Primary School Jhadupara ; R/o Village And Post Dumaghat, Block Mainpur, District Gariyaband (Chhattisgarh)

---- Petitioner**Vs**

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondent**And****WPS No. 1748 Of 2017**

- Uttam Lal Bastiya S/o Shri Chakoram, Aged About 35 Years Posted As Assistant Teacher Panchayat, At Government Primary School Koyba; R/o Village And Post Indagaon, Block Mainpur, District Gariyaband (Chhattisgarh)

---- Petitioner**Vs**

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondent**And**

WPS No. 1742 Of 2017

- Narendra Kumar Patel S/o Shri Thanuram Patel, Aged About 36 Years Posted As Assistant Teacher Panchayat, At Government Primary School Kosammuda; R/o Village And Post Mainpur, Block Mainpur, District Gariyaband (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondent

And

WPS No. 1737 Of 2017

- Bhumika Sinha S/o Shri Tikam Lal Sinha, Aged About 41 Years Presently Posted As Assistant Teacher Panchayat, Panigaon, R/o Gram & Post Amlipadr, Block Mainpur, District Gariaband (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Department of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondent

And

WPS No. 1747 Of 2017

- Kunwar Singh Nagesh S/o Shri Mulchand Nagesh, Aged About 35 Years Posted As Assistant Teacher Panchayat, At Government Primary School Utandi; R/o Village Mainpur (Kala), Post Mainpur, Block Mainpur, District Gariyaband (Chhattisgarh)

---- **Petitioner**

Vs

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- **Respondent**

For Petitioners	:	Shri Mateen Siddiqui, Advocate
For Respondents-State	:	Shri YS Thakur, Addl. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/04/2017

1. Learned counsel for the petitioners would draw attention of the Court to Rule 9 (1) (b) of the Chhattisgarh Panchayat Shiksha Karmis (Recruitment and Conditions of Service) Rules, 1997 (henceforth 'the Rules, 1997'), under which the petitioners' appointment was made, to highlight that petitioners' experience in the District Primary Educational Programme (DPEP) School is specifically included for allotment of marks for experience, however, the team of enquiry officers have denied marks for such experience to the petitioners on the ground that the petitioners have obtained the experience from a

government school, which is not permissible. According to him, there is no mention in the Rule that experience obtained in the government school will not be counted. Even otherwise, the Enquiry Committee has not considered that the DPEP School is specifically covered under the Rules. It is further submitted that based on such perverse reasoning, the Enquiry Committee has recommended for petitioners' removal from the post, therefore, the petitioners had to rush to this Court.

2. Learned State counsel would submit that the Enquiry Committee is probably of the view that upon reading of the entire Rule 9 (1) (b) of the Rules, 1997, the benefit of experience is to be granted to only such candidates who have acquired the experience from non government school.
3. Having heard learned counsel for the parties and having perused the relevant Rule together with the State Government's communication dated 20.07.2017, it appears, the petitioners may be entitled for marks for having acquired the experience from DPEP School. In the memo dated 20.07.2017, the Government has categorically observed that a similarly placed candidate belonging to Block Devbhog, who had acquired experience from government primary school, is entitled for marks for experience.
4. Considering the entire facts situation of the case, instead of keeping these petitions pending, all the writ petitions are disposed of with a direction to the concerned Jila Panchayat to consider the contents of Rule 9 (1) (b) of the Rules, 1997 and the State Government's

communication dated 20.07.2017 at the time of taking final decision in the matter. In case of any adverse order against the petitioners, the same shall not be acted upon for a period of one month from the date of order.

Sd/-
JUDGE
PRASHANT KUMAR MISHRA

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