

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1778 of 2017**

- Surendra Kumar Patel S/o Shri Gambhir Singh Aged About 35 Years Presently Posted As Assistant Teacher Panchayat, Gurjibhata, R/o Gram-Nayapara & Post- Amlipadar, Block- Mainpur, District- Gariaband, 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 Pandhayat Mainpur, District- Gariyaband, Chhattisgarh

---- **Respondent****And****WPS No. 1800 Of 2017**

- Laxmikant Dubey S/o Omkar Prasad Aged About 39 Years Posted As Assistant Teacher Panchayat, At Government Primary School Padampur, R/o Village Amlipadar, 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. 1792 Of 2017

- Galit Ram Dhruv S/o Shri Chatur Singh Aged About 35 Years Posted As Assistant Teacher Panchayat, At Government Primary School Dhanora, R/o Village Bhaismundi, Tahsil 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 Pandhayat Mainpur, District- Gariyaband, Chhattisgarh

---- Respondent

And

WPS No. 1799 Of 2017

- Santosh Kumar Patel S/o Chainuram Aged About 41 Years Posted As Assistant Teacher Panchayat, At Government Primary School Mainpur, R/o Village 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. 1784 Of 2017

- Bhikhari Ram Sahu S/o Shri Narayan Singh, Aged About 38 Years Presently Posted As Assistant Teacher Panchayat, Tetalkhuti, R/o Gram & Post Mujhbahal, 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. 1793 Of 2017**

- Lilambar Singh Manjhi S/o Shri Panchuram, Aged About 35 Years Posted As Assistant Teacher Panchayat, At Government Primary School Pariyabahaal, R/o Village Mandaakmuda, 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 Arvind Dubey, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

17/04/2017

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 20.07.2007, it appears, the petitioners may be entitled for marks for having acquired the experience from DPEP School. In the memo dated 20.07.2007,

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 20.07.2007 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

ashu