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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1909 of 2017**

- Visheshwar Yadav S/o Shri Bhanwar Singh, Aged About 31 Years Posted As Assistant Teacher Panchayat, At Government Primary School Saraipani, R/o Village And Post Godiyari, 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. 1885 Of 2017**

- Virendra Kumar Yadav S/o Shri Tilak Ram Yadav, Aged About 32 Years Posted As Assistant Teacher Panchayat, At Government Primary School Falsapara, R/o Village 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. 1881 Of 2017

- Nehar Singh Nagesh S/o Shri Ghasi Ram, Aged About 42 Years Posted As Assistant Teacher Panchayat, At Government Primary School Kanwaraama, R/o Village Jadapadar, 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. 1892 Of 2017

- Nand Kumar Sonwani S/o Shri Bijmal Sonwani, Aged About 32 Years Posted As Assistant Teacher Panchayat, At Government Primary School Dhobanmal; R/o Village Aadpathar, 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. 1896 Of 2017

- Mahendra Kumar Yadav S/o Shri Sitaram Yadav, Aged About 38 Years Presently Posted As Assistant Teacher Panchayat, Dabripara, 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. 1919 Of 2017

- Suresh Kumar Chakradhari S/o Shri Kastiram, Aged About 36 Years Posted As Assistant Teacher Panchayat, At Government Primary School Soripara, Farsara ; R/o Village Kendupati, Post Dhruwagudi, 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. 1891 Of 2017

- Neeladhar Pradhan S/o Shri Laibano Ram Pradhan, Aged About 36 Years Presently Posted As Assistant Teacher Panchayat, Dangiyapara, R/o Gram & Post Dangiyapara, 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. 1883 Of 2017

- Chain Singh Nagvans S/o Shri Kesbo Ram, Aged About 39 Years Posted As Assistant Teacher Panchayat, At Government Primary School Junapara, R/o Village Chikhli, 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 Panchayat Mainpur District Gariyaband (Chhattisgarh).

---- Respondent

And

WPS No. 1887 Of 2017

- Santram Dongre S/o Shri Tikeram, Aged About 42 Years Posted As Assistant Teacher Panchayat, At Government Primary School Gariba, R/o Village Jhariya Bahara, Block Mainpur District Gariyaband (Chhattisgarh)., 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. 1880 Of 2017

- Mohan Lal Nagesh S/o Shri Chamru Ram Nagesh, Aged About 38 Years Presently Posted As Assistant Teacher Panchayat, Salhebhatta, R/o Gram Nayapara & Post Jhargaon, 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**

For Petitioners	:	Shri Mateen Siddiqui, Advocate
For Respondents-State	:	Shri SP Kale, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/04/2017

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

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