

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2024 of 2017

- Parasram Banjara, S/o Shri Tilochan Ram, Aged About 35 Years, R/o Village Khudiya, Block Lormi, District Mungeli (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Director, Public Instructions, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh)
4. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat Lormi, District Mungeli (Chhattisgarh)

---- Respondents

And

WPS No. 2042 Of 2017

- Ravi Kumar Patel S/o Bhairam Patel, Aged About 34 Years R/o Village Somnapur, P.O. Kamthi, Tahsil Pandariya, District Kabirdham Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
3. Director, Public Instructions, Indrawati Bhawan, New Raipur,

District Raipur (Chhattisgarh).

4. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh).
5. Block Executive Officer, Block Pandariya District Kabirdham Chhattisgarh

---- Respondent

And

WPS No. 2034 Of 2017

- Ramesh Kumar Padwar S/o Phoolsingh Padwar, Aged About 48 Years, R/o Village Bhedagarh, Tahsil Pandariya, District Kabirdham Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Secretary, Department of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
3. Director, Public Instructions, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh).
5. Block Executive Officer, Block Pandariya District Kabirdham Chhattisgarh

---- Respondent

And

WPS No. 2040 Of 2017

- Ramsanehi Jaiswal S/o Sukhnandan Jaiswal, Aged About 32 Years R/o Village Kodwa Mahant, Tahsil Lormi, District Mungeli Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Director, Public Instructions, Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Mungeli, District- Mungeli, Chhattisgarh
5. Block Executive Officer, Block Lormi, District- Mungeli, Chhattisgarh

---- Respondent

And

WPS No. 2027 Of 2017

- Ravi Kumar Jaiswal S/o Sukhnandan Ram Jaiswal, Aged About 29 Years R/o Village Katami Tahsil Lormi, District Mungeli, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Director, Public Instructions, Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Mungeli, District- Mungeli, Chhattisgarh
5. Block Executive Officer, Block Lormi, District- Mungeli, Chhattisgarh

---- Respondents

For Petitioners	Shri K. P. Sahu, Advocate
For Respondent-State	Shri P. N. Bharat, Addl. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/04/2017

1. The Petitioners were earlier temporarily engaged to work as Teachers in the school run by Janbhagidari Samiti. They were 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 Petitioners have been dispensed with and regular teacher to teach in that school has already been appointed.
2. The Petitioners have filed these writ petitions claiming that the State Government be directed to absorb the services of the Petitioners in which they were working.
3. Since the school run by the Janbhagidari Samiti has now been closed and school has been upgraded as Government School and the post of Teacher has been filled up in accordance with the relevant service rules, the Respondents cannot be directed to absorb the services of the Petitioners 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, reported in 1996 (7) SCC 134**).

5. However, if the advertisement is issued for recruitment for the post of Teacher, the Petitioners are at liberty to apply for the said post and to appear in accordance with law.
6. With the aforesaid observation, all the writ petitions stand disposed of. No order as to costs.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala