

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.4297 of 2005**

R.M. Das S/o. Late Shivaram Das, Aged about 61 years,
Retired Planning Officer, District Education Office, Bastar
Jagdalpur, Tahsil & District Bastar Jagdalpur (CG)

---- Petitioner

Versus

1. The State of Chhattisgarh Through Secretary of Education,
D.K.S. Bhawan, Raipur (CG)
2. Director of Public Instruction, Raipur (CG)
3. District Education Officer, Bastar Jagdalpur, Distt. Bastar (CG)

---- Respondents

For Petitioner	:	Mr.L.C. Dash, Advocate
For Respondents	:	Mr.Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/10/2017

1. Mr.L.C.Dash, learned counsel appearing for the petitioner, would submit that the petitioner has been superannuated on completion of age of 60 years, whereas he is entitled to continue in service till attaining the age of 62 years, therefore, the impugned order rejecting his representation is unsustainable and bad in law.
2. Mr.Arvind Dubey, learned Panel Lawyer appearing for the respondents/State, would submit that in accordance with Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (hereinafter called as "Act of 1967") the petitioner has not been engaged in teaching post for 20 years, therefore, he is not entitled to hold the post up to 62 years.
3. I have heard learned counsel appearing for the parties and

considered their rival submissions made herein-above and also gone through the records with utmost circumspection.

4. Explanation to sub-section (1-a) of Section 2 of the Act of 1967 provides as under:-

“Explanation.-For the purpose of this sub-rule “Teacher” means a Government servant by whatever designation called, appointed for the purpose of teaching in Government educational Institution including technical or medical educational institutions, in accordance with the recruitment rules applicable to such appointment and shall also include the teacher who appointed to an administrative post by promotion or otherwise and who has been engaged teaching for not less than twenty years provided he holds a lien on a post in the concerned School/Collegiate/Technical/Medical education service.”

5. Admittedly and undisputedly, the petitioner has not been completed 20 years of service in teaching post as he has only completed 9 years and 5 months. The petitioner's representation has been rejected by respondent No.2 on the ground that he has not completed 20 years of service in teaching post, which is strictly in accordance with law. I do not find any illegality or infirmity in rejecting the representation of the petitioner.

6. Accordingly, the writ petition is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-