

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4652 of 2016

Rameshwar Singh Raj S/o Shri Vishal Singh Raj, Aged About 50 Years Occupation Lecturer (Economics), Presently Working On The Post Of Block Resource Person, Block Podi Uproda, P.S. Bango District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. The Mission Director, State Project Office, Rajiv Gandhi Shiksha Mission, Raipur District Raipur Chhattisgarh
3. The Collector & District Mission Director, Rajiv Gandhi Shiksha Mission, Korba, District Korba Chhattisgarh
4. The District Education Officer, Cum District Project Co-ordinator Rajiv Gandhi Shiksha Mission, Korba District Korba Chhattisgarh
5. The Block Education Officer, Block Podi Uproda, District Korba Chhattisgarh
6. K.L. Dahariya Lecturer Presently Incharge In Block Resource Co-ordinator, Block Podi, Uproda, District Korba Chhattisgarh

---- Respondents

Shri A.S.Rajput, counsel for the petitioner/s.

Shri D.R.Minj, Dy.G.A. for the State / respondents 1, 4 and 5.

Shri B.L.Sahu, counsel on behalf of Shri A.S.Kachhawaha, counsel for respondents 2 and 3.

None for respondent No.6.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/02/2017

Challenge to the appointment of respondent No.6 as Block Resource Coordinator vide impugned order dated 29/02/2016 is based on the submission that as the petitioner is Senior Lecturer in the School Education Department, he ought to have been preferred for appointment as Block Resource Coordinator in the panel of Block Resource Person in view of circular dated 03/09/2015

(Annexure P/5).

Elaborating his submission, learned counsel for the petitioner argued that as per provisions contained in Clause 2 (II) of policy dated 03/09/2015, a panel of 7 senior Head Masters is required to be prepared by the State Government and forwarded to the Mission Director, State, Rajiv Gandhi Shiksha Mission and out of this panel, three officers shall be selected and empaneled as Block Resource Person. It is then contended that out of these three persons, senior most Block Resource Person would be given charge of Block Resource Coordinator. As the petitioner is senior to respondent No.6, the petitioner was also empaneled in the panel of three persons selected as Block Resource Person. It is next submitted that respondent No.6 may have obtained some experience while working as Block Resource Coordinator on contract basis but that could not be treated as his experience as Block Resource Person in any case so as to say that he is more suitable as compared to the petitioner. It is lastly submitted that as per Clause 2 (IV) of circular dated 03/09/2015, a contract appointed Block Resource Person is not to be given the charge of Block Resource Coordinator. Therefore, the impugned order is bad.

2. In this petition, return has been filed only by respondents 1, 4 and 5. Though respondents 2 and 3 are represented by their counsel, they have not filed reply. On the last date of hearing, it was made clear that if no reply is filed, right to file reply would be closed. Respondent No.6, despite being served has chosen, not to oppose the petition.

4. Learned State counsel submits that under Government's policy issued from time to time including policy dated 03/09/2015, in the matter of appointment of Block Resource Coordinator, seniority as Block Resource Person is to be seen, meaning thereby that a person, who had longer experience as Block Resource Person would be preferred. He submits that Government's policy does not intend to fix preference on the basis of seniority as Teacher but seniority as Block Resource Person.

Undisputedly, the petitioner, respondent No.6 and one Shiv Shankar Sahu were empaneled as three Block Resource Person. This is clear from the impugned order itself. On this issue, there is no dispute amongst the parties. Petitioner and respondent No.6 both were included in the panel of three teachers to be appointed as Block Resource Coordinator. As to which of them is to be appointed as Block

Resource Coordinator has been stated in the circular dated 03/09/2015 (Annexure P/1) which has already been filed by the State counsel as Annexure R/2. In Clause 2 of the said circular, criteria and parameter of selection of Block Resource Person and Block Resource Coordinator has been prescribed. According to the procedure prescribed in the Government circular, the Government is required to send a panel of seven senior Head Masters block-wise and forward the same to the Mission Director, State, Rajiv Gandhi Shiksha Mission. Out of the list of seven teachers, three of them are required to be empaneled as Block Resource Person at the Government level only. According to this policy, while selecting three out of seven teachers to be empaneled as Block Resource Person, certain qualification and criteria have been provided in the scheme itself.

Empanelment of the petitioner and respondent No.6 in the panel of three teachers as Block Resource Person means that both the petitioner and respondent No.6 have been found eligible and suitable for appointment as Block Resource Person.

5. According to provisions contained in Clause 2 (II) of circular dated 03/09/2015, senior most Block Resource Person will be given charge of Block Resource Coordinator. Therefore, from the circular itself, it is clear that insistence is on giving preference to one who has longer experience as Block Resource Person. State Government, in its return, has come out with a stand that according to the scheme, the person who has more experience in administration is to be preferred. In the present case, respondent No.6 worked as Block Resource Coordinator for about 4½ years. Infact, Block Resource Coordinator is one of the Block Resource Person. Therefore, the experience gained by a person as Block Resource Coordinator would certainly be counted towards experience as Block Resource Person for very obvious reasons. The experience of respondent No.6 as Block Resource Coordinator has been gained as contract employee, however, the policy does not say that the experience gained on contract basis will not be counted for preferential treatment. In the absence of any challenge to the policy, this Court is only required to examine the basis of selection of respondent No.6 as Block Resource Coordinator according to provisions of the policy. The appointment to the post of Block Resource Person and Block Resource Coordinator is based on the advertisement. The person, who intends to apply for the post of Block Resource Coordinator, is required to examine the policy and if it suits him, he may apply. The petitioner did not raise grievance with regard to terms

and conditions of the policy and under misconceived notion that in case of his empanelment, he would be given charge of Block Resource Coordinator on the basis of seniority of teachers, applied to the post. He has been empaneled also. However, out of empaneled officers, one who is senior as Block Resource Person, has to be preferred for giving charge of Block Resource Coordinator. Assignment of work depends upon the specialised post of Block Resource Person. Post of Block Resource Coordinator is not borne in the cadre of Teacher so as to say that in the matter of giving charge of Block Resource Coordinator, petitioner's seniority as Teacher has been affected. There may be peculiar requirement for selection and appointment as Block Resource Person and Block Resource Coordinator. These are specialised assignment keeping in view policy of Mission under Rajiv Gandhi Shiksha Mission. Therefore, if on the basis of its own peculiar requirements, the scheme aims at giving preference to the Teachers who have worked for longer period as Block Resource Person, which includes Block Resource Coordinator, no fault can be found in selection of respondent No.6 in giving him charge of the post of Block Resource Coordinator.

6. No ground of interference with the impugned order is made out. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge