

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1186 of 2017**

1. Smt. Kunti Bai W/o Somar Sai Aged About 25 Years R/o Village- Shyamnagar, Tamor Para, P.S. Bhatgaon, Tehsil- Pratappur, District -Surajpur, Chhattisgarh
2. Amar Sai S/o Late Laxmi Aged About 24 Years R/o Village Jarhi, P.S. Bhatgaon, Tehsil- Pratapur, District- Surajpur, Chhattisgarh
3. Boond Lal Singh S/o Shri Moharsai Aged About 25 Years Village- Sendhopara, P.S.- Bhatgaon, Tehsil- Pratapur, District- Surajpur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through: The Secretary, Tribal Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. The Commissioner, Scheduled Caste And Scheduled Tribe Department, Raipur, Chhattisgarh
3. The Collector, District Surajpur, Chhattisgarh (Tribal Development)
4. The Assistant Commissioner, Tribal Development, Surajpur, District Surajpur, Chhattisgarh
5. The Block Education Officer, Pratappur, District Surajpur, Chhattisgarh

---- Respondents

For Petitioners	:	Shri V.R. Tiwari, Advocate.
For Respondents/State	:	Mr. Gary Mukhopadhyay, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/03/2017**

1. The petitioners by way of this petition seek a direction to the respondent No.4 for considering the claim of the petitioners to be appointed as Sweeper in the different Govt. Schools in Block and District Surajpur.
2. The contention of the petitioners is that in the past the petitioners had worked

with the respondents as Part Time Sweeper. That, subsequently when the post of Sweeper is to be filled up by the respondents, the candidature of the petitioners may also be considered. He submits that other writ petitions were filed by the similarly placed persons of the same block in the same District i.e. WPS No.6688 of 2016 (Kumari Yashoda Singh Vs. State of Chhattisgarh & Ors., decided on 08.12.2016) and Bhuneshwar Rajwade Vs. State of Chhattisgarh & Ors, WPS No. 7065 of 2016, decided on 02.01.2017, and therefore, the petitioners may also be granted same relief.

3. Be that as it may, without entering into the merits of the case the present petition is disposed of with a direction to the respondent No.4 to verify and scrutinize the claim of the petitioners and after due verification of the facts as to whether the petitioner was a Part Time Sweeper in the School on an earlier occasion or not and only thereafter shall pass an appropriate order.
4. Needless to mention that this court has not expressed any opinion on the entitlement of the petitioners for the said post. The respondent No.4 shall be at liberty to examine the factual details of the petitioners and compare the case of the petitioners with the similarly placed person as cited and claimed by the petitioners and thereafter decide the claim in accordance with rules. The petitioners shall be at liberty to file additional representation, if they so desire, before the respondent No.4.
5. With the aforesaid observations, the writ petition stands finally disposed of. No order asto costs.

Sd/-
(P. Sam Koshy)
Judge