

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3096 of 2017

- Raju Densena S/o Shri Narayan Densana Aged About 32 Years R/o Village Kotdwari, Post - Baloda, Tahsil - Saraipali, District - Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mahanadi Bhawan, New Mantralay, District - Raipur Chhattisgarh
2. The Directorate Of Public Instructions, School Education Department, Indrawati Bhawan, New Mantralay, District - Mahasamund Chhattisgarh.
3. The Collector Mahasamund, District - Mahasamund Chhattisgarh.
4. The Block Education Officer, Mahasamund, District - Mahasamund Chhattisgarh.
5. The Headmaster/principal, Government Primary School, Kotdwari, Block - Saraipali, District - Mahasamund Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Prakash Tiwari, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/09/2017

Heard.

2. Learned counsel for petitioner submits that he has engaged as Part Time Sweeper in the school at District Mahasamund, but later on, his services were discontinued. He submits that earlier there was a direction for discontinuation of services of Part Time Sweepers of District Surajpur and against the said direction, they either individually or collectively challenged the said direction before this Court, in which, number of orders were passed by this Court observing that there was no direction to discontinue the services. These petitions have been disposed off with a direction to examine the case on the considerations, as below:-

7. “Upon hearing learned counsel for the parties, it would appear that even if the respective principals/head masters were not informed or authorized to make appointment, the fact remains that the State Government had earlier issued communications to the effect that there is no restriction for appointing part time sweepers. It has not been disputed by the respondents that the petitioners were infact appointed by the respective principals/head masters prior to issuance of the order (Annexure-P-1) and the order (Annexure-P-7). Once the appointments have been made, even on part time basis, mass cancellation of appointments, without there being any specific individual allegation of corruption or nepotism is not permissible. At the same time, if any part time sweeper is not attending duties as he belongs to some other village or is otherwise not efficient in his work, it always remains open for the concerned head of the department or the appointing authority to initiate action, as the petitioners have no right to hold the post, being only part time sweepers.

8. For the foregoing, all the writ petitions are disposed of with a direction that the petitioners shall not be discontinued from service without giving them any opportunity of hearing. In the event, any of the petitioners is not performing duties to the satisfaction of the authorities, the action may be taken against such part time sweeper, in accordance with the principles of natural justice as the petitioners have no right to hold the post. Till the competent authority initiates any proceeding by issuing show cause notice to the petitioners, all the petitioners shall continue on the post.”

3. In view of above, it is directed that the respondent authority shall again examine the case of the petitioner afresh and if he is found similarly situated as Part Time Sweeper of District Surajpur, appropriate order shall be passed within a period of six weeks from the date of receipt of a copy of this order.

4. Accordingly, the petition is finally disposed off.

SD/-
(Manindra Mohan Shrivastava)
Judge