

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.3606 of 2017

- Smt. Nirmala Rathore W/o Shri Lalit Rathore Aged About 41 Years Presently Posted As Assistant Teacher Panchayat At Government Primary School- Uramal, R/o Village Uramal, Tahsil Mainpur District Gariyaband, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development , Mahandai Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. The Collector Gariyaband, District Gariyaband, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Gariyabandh , District Gariyabandh , Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Mainpur, District- Gariyabandh, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Faisal Akhtar, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy.AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/08/2017

Heard on admission.

2. This petition has been filed by the petitioner for issuance of direction to respondent No.3/Chief Executive Officer, Zila Panchayat, Gariyaband to consider grant of marks for experience gained by the petitioner as teacher in a Government School. He submits that the earlier in a similar situation when while making appointment on the post of Assistant Teacher Panchayat, such benefit was denied to a similarly situated teacher working in Government School, his case was disposed off with the direction to consider the content of Rule 9(1)(b)

of the Chhattisgarh Panchayat Shiksha Karmis (Recruitment and Conditions of Service) Rules, 1997 (for short “the Rules of 1997”). He submits that in the case of the petitioner also the same issue is involved, because in the enquiry report addressed to the Chief Executive Officer of the Zila Panchayat, the Committee has proposed to deprive the petitioner from the experience marks on the same ground.

2. Having gone through the Annexure P/1, the enquiry report and the order earlier passed by this Court on 17.04.2017 in WPS No.1778 of 2017 and batch of petitions, the petitioner's case requires due consideration on the similar lines as in the aforesaid cases because he also claims marks for experience gained as teacher in Government school, which was the factual situation in the cases referred to above which were disposed off by this Court.

3. Accordingly, this petition is also disposed off with the direction to the Chief Executive Officer, Zila Panchayat, Gariyaband to consider the content of Rule 9(1)(b) of the Rules of 1997 and the State Government's communication dated 20.07.2007 at the time of taking final decision in the matter. In case of any adverse order against the petitioner, the same shall not be acted upon for a period of one month from the date of order.

SD/-
(Manindra Mohan Shrivastava)
J U D G E