

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1879 of 2017**

- Umesh Kumar Shrivastava S/o Shri Mohan Lal Shrivastava, Aged About 35 Years, Posted As assistant Teacher Panchayat, at Government Primary School Dandupadar ; R/o Village And Post Amlipadar, Block Mainpur, District Gariyaband (Chhattisgarh)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Gariyaband, District Gariyaband (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

**---- Respondents**

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| For Petitioner       | Shri Faisal Akhtar, Advocate |
| For Respondent-State | Ms. K. T. Rao, PL            |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**20/04/2017**

1. Learned counsel for the petitioner would draw attention of the Court to Rule 9 (1) (b) of the Chhattisgarh Panchayat Shiksha Karmis (Recruitment and Conditions of Service) Rules, 1997 (henceforth 'the Rules, 1997'), under which the petitioner's appointment was made, to highlight that petitioner's experience in the District Primary Educational Programme (DPEP) School is

specifically included for allotment of marks for experience, however, the team of enquiry officers have denied marks for such experience to the petitioner on the ground that the petitioner has obtained the experience from a government school, which is not permissible. According to him, there is no mention in the Rule that experience obtained in the government school will not be counted. Even otherwise, the Enquiry Committee has not considered that the DPEP School is specifically covered under the Rules. It is further submitted that based on such perverse reasoning, the Enquiry Committee has recommended for petitioner's removal from the post, therefore, the petitioner had to rush to this Court.

2. Learned State counsel would submit that the Enquiry Committee is probably of the view that upon reading of the entire Rule 9 (1) (b) of the Rules, 1997, the benefit of experience is to be granted to only such candidates who have acquired the experience from non government school.
3. Having heard learned counsel for the parties and having perused the relevant Rule together with the State Government's communication dated 20.07.2007 (Annexure-P-4), it appears, the petitioner may be entitled for marks for having acquired the experience from DPEP School. In the memo dated 20.07.2007, the Government has categorically observed that a similarly placed candidate belonging to Block Devbhog, who had acquired experience from government primary school, is entitled for marks for experience.

4. Considering the entire facts situation of the case, instead of keeping this petition pending, the writ petition is disposed of with a direction to the concerned Jila Panchayat to consider the contents of Rule 9 (1) (b) of the Rules, 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/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala