NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1232 OF 2017

Shyam Sundar Jaiswal, S/o Ramgopal Jaiswal, aged about 36 years, R/o Village Kathoutiya, Tahsil Lormi, District Mungeli (C.G.)

… Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
3. Director, Public Instructions, Indrawati Bhawan, New Raipur, District Raipur (C.G.)
4. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli (C.G.)
5. Chief Executive Officer, Janpad Panchayat, Lormi, District Mungeli (C.G.)

… Respondents

For Petitioner	:	Mr. K.P. Sahu, Advocate.
For Respondent-State	:	Mr. B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

15/03/2017

1. The Petitioner was earlier temporarily engaged to work as a Teacher in the school run by Janbhagidari Samiti. He was not appointed in accordance with any rules. After increasing the strength of the students, the school was upgraded as Government School and services of the Petitioner have been dispensed with and regular teacher to teach in that school has already been appointed.

2. Now the Petitioner has filed this writ petition on 8.3.2017 claiming that the State Government be directed to absorb the services of the Petitioner in which he was working.

3. Since the school run by the Janbhagidari Samiti has now been closed and school has been upgraded as Government School and the post of Teacher has been filled up in accordance with the relevant service rules, the

Respondents cannot be directed to absorb the services of the Petitioner by way of issuance of writ contrary to the rules.

4. It is well settled law that absorption of a person not appointed in accordance with the rules would result in denial of equal opportunity in the matter of employment to other eligible candidates for public office (See **Union of India and others** Vs. **Kishan Gopal Vyas,** reported in **1996 (7) SCC 134**).

5. However, if the advertisement is issued for recruitment for the post of Teacher, the Petitioner is at liberty to apply for the said post and to appear in accordance with law.

6. With the aforesaid observation, the writ petition stands disposed of. No order as to costs.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE

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