

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1656 of 2016**

1. Tukesh Singh Thakur, S/o Ganjanand Singh Thakur, aged about 33 years, R/o. Government Polytechnic Khairagarh, District Rajnandgaon (Chhattisgarh)
2. Ashish Kumar Jambulkar, S/o Ganga Ram Jambulkar, aged about 29 years, R/o Station Para, Ward No. 13, Teachers Colony, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioners**Versus**

1. State of Chhattisgarh through : the Secretary, Department of Technical Education, Manpower, Science and Technology, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Director, Directorate of Technical Education, Manpower, Science and Technology, Chhattisgarh, Raipur (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through : its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur (Chhattisgarh)
4. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)

---- Respondents**Writ Petition (S) No. 2392 of 2016**

Smt. Nidhi Das, W/o Shri Vineet Das, aged about 35 years, R/o Nurani Chowk, Raja Talab, Raipur, Police Station Civil Lines, Raipur, Civil & Revenue District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhavan, Naya Raipur District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, (Chhattisgarh)
3. Under Secretary, Health & Family Welfare Department, State of Chhattisgarh, Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
4. Director, Medical Education, Govt. of Chhattisgarh, Old Nurses Hostel,

D K S Building, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 4778 of 2016

Smt. Shailee Kesharwani W/o Shri Bhupendra Kesharwani, aged about 35 years, Occupation Service, Lecturer (Pharmacy), Govt. Girls Polytechnic College, Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh through The Secretary, Department of Technical Education, Man Power and Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, Distt. Raipur, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Raipur, (Chhattisgarh)
3. The Public Service Commission, through the Secretary, P.S.C., Raipur, (Chhattisgarh)
4. The Principal, Government Polytechnic College, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 1302 of 2016

1. Dr. Smt. Bhavna Nigam W/o. Deepak Nigam, aged about 40 years, C/o. Dr. R.C. Saxena, Vinoba Nagar, Opposite Gayatri Temple, Bilaspur, Police Station Civil Lines, Bilaspur, Post Civil Lines, Civil and Revenue District Bilaspur (Chhattisgarh)
2. Dr. Smt. Damyanti Patel, W/o. Dr. R.N. Patel, aged about 47 years, C/o. Shri G.S. Choudhari, Maa Chand rakanta Colony, Lingiyadih, Rajkishore Nagar, Police Station Sarkanda, Post Bilaspur, Civil and Revenue District Bilaspur (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh through : Secretary, Department of Technical Education, Manpower, Science and Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Director, Directorate of Technical Education, Manpower, Science and Technology, Chhattisgarh, Raipur (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through : its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur (Chhattisgarh)

4. Principal, Govt. Engineering College, Bilas pur, Chhattisgarh.

---- Respondents

Writ Petition (S) No. 3361 of 2016

Dr. Rani Pushpa Baghel, W/o S. K. Baghel, aged about 41 years, R/o House No. 69/503, Gayatari Nagar, Danganiya, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh through The Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Indrawati Bhawan, Naya Raipur, Mantralaya, Distt. Raipur, Chhattisgarh.
3. The Public Service Commission, Through: The Secretary, P S C , Shankar Nagar Road, Raipur, Distt. Raipur, Chhattisgarh.

---- Respondents

Writ Petition (S) No. 1908 of 2016

Manish Upadhyay, S/o Shri R. G. Upadhyay, R/o A 1/ A 2, Kanchan Vihar Colony, Koni, Bilas pur, Th. & Distt. Bilas pur, (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Raipur, (Chhattisgarh)
3. The Public Service Commissioner, through The Secretary, P S C, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 3573 of 2016

Amitabh Shadangi, S/o. Late Shri Gajanan Shadangi, aged about 49 years, R/o. Ramgudi Para, Ganja Chowk, Raigarh, Civil & Revenue District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh, through The Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Chhattisgarh.
2. The Director, Directorate of Technical Education, Raipur, Chhattisgarh.
3. The Public Service Commission, through : The Secretary, P S C, Raipur, Chhattisgarh.

---- Respondents**Writ Petition (S) No. 2334 of 2016**

Ram Naresh Hinduja, S/o. Late Dr. B. G. Hinduja, aged about 39 years, R/o. Paras Nagar, Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Chhattisgarh.
2. The Director, Directorate of Technical Education, Raipur, Indrawati Bhawan, Naya Raipur (Chhattisgarh)
3. The Public Service Commission, through : The Secretary, P S C, Raipur, Chhattisgarh.

---- Respondents**Writ Petition (S) No. 3321 of 2016**

Dr. Ruchi Jain D/o Ramesh Kumar Jain, aged about 33 years, R/o D-313, Sector-5, Near Bank of Baroda, Tagore Nagar, Tehsil and District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh, through The Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Naya Raipur, Distt. Raipur, (Chhattisgarh)
3. The Public Service Commission, Through: The Secretary, P S C,

Shankar Nagar Road, Bhagat Singh Square, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 2469 of 2016

1. Prashant Sharma, S/o Late Shri Arun Sharma, aged about 26 years, R/o 137, Sundar Nagar, Raipur Chhattisgarh
2. Smriti Tapadar, D/o Late Shri Gour Gopal Tapadar, aged about 27 years, R/o Indra Nagar, Behind Shiv Mandir, Charoda, District -Durg Chhattisgarh
3. Vibha Kashyap, D/o Shri Vedprakash Kashyap, aged about 25 years, R/o Qr. No. 269/3/A Balco Nagar, Korba Chhattisgarh
4. Ishwar Lal Yadav, S/o Shri Munnalal Yadav, aged about 27 years, R/o Near Shri Sai Mandir, Tulsipur, Rajnandgaon, District Rajnandgaon Chhattisgarh
5. Komesh Prasad Sahu, S/o Shri Jagdeesh Prasad Sahu, aged about 26 years, R/o Shree Nagar, Behind 30 Block Balaji Nagar, Khamturai, Raipur Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Thorough its Secretary, Department of Technical Education Man Power and Planning, Mahanadi Bhawan Mantralaya, Naya Raipur, Raipur Chhattisgarh
2. The Director, Director of Technical Education Raipur Chhattisgarh
3. Chhattisgarh Public Service Commission, through its Secretary, Shankar Nagar, Road Raipur Chhattisgarh
4. Government Engineering College Raipur, through its Principal Old Dhamtari Road, Sez Bahar Raipur, Chhattisgarh

---- Respondents

Writ Petition (S) No. 2442 of 2016

1. Vandna Bhartendu, W/o Mahfooz Arif, aged about 39 years, R/o Rajkishore Nagar, Bilaspur, Police Station & Post Sarkanda, Civil and Revenue District Bilaspur, (Chhattisgarh)
2. Varsha Sao, D/o V. K. Sao, aged about 40 years, C/o Rajendra Kumar Sahu, R/o Railway Colony, Bilaspur, Police Station & Post Tarbahar, Civil and Revenue District Bilaspur, (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh through: Secretary, Department of Technical Education, Manpower, Science and Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Director, Directorate of Technical Education, Manpower, Science and Technology, Chhattisgarh, Raipur, (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, (Chhattisgarh)
4. Principal, Govt. Girls Polytechnic Koni, Bilaspur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 2701 of 2016

Saurabh Thakur, S/o Late Shri Johar Lal Thakur, aged about 30 years, R/o C/o Shri Vikas Thakur, Nearby Government Girls Higher Secondary School, Lattipara Kanker P.S. Kanker District Kanker Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary Department of Technical Education, Man Power and Planning, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, Chhattisgarh
2. The Director, Directorate of Technical Education, Women Polytechnic Campus, Bairon Bazar, Raipur Chhattisgarh
3. Chhattisgarh Public Service Commission, through its Secretary, Shankar Nagar, Road, Raipur Chhattisgarh
4. Government Polytechnic College, Narayanpur through its Principal Tribal Rest House, Bakhrupara, Narayanpur Chhattisgarh

---- Respondents

Writ Petition (S) No. 5119 of 2016

Dr. Avinash Kumar Tripathi, S/o Shri Shiv Sagar Tripathi, aged about 42 years, R/o House No. F-10, Government Engineering College Colony, Dharampura, Police Station Jagdalpur, District Bastar (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Department of Technical Education, Manpower, Science and Technology, Mahanadi Bhawan Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)

2. Director, Directorate of Technical Education, Manpower, Science and Technology, Chhattisgarh, Raipur (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur (Chhattisgarh)
4. Principal, Govt. Engineering College, Jagdalpur, District Bastar (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 4517 of 2016

1. Manoj Kumar Tiwari, S/o Girijanand Tiwari, aged about 40 years, Occupation Lecturer (Contract), R/o C/o Kiran Bala Goswami Naya Sarkanda, Jabdapra Gali No.1 Bilaspur, Police Station & Post Sarkanda, Civil and Revenue District Bilaspur, (Chhattisgarh)
2. Sunil Kumar Viswakarama, S/o Janmajai Vishwakarma, aged about 32 years, Occupation Lecturer (Contract), R/o C/o Santosh Baghel, Koni, Police Station & Post Koni, Civil and Revenue District Bilaspur, (Chhattisgarh)
3. Miss Anshumala, D/o Shri F. Ekka, aged about 30 years, Occupation Lecturer (Contract) R/o Quarter No. 640, M. Q. Dipika Colony, P.O. Urja Nagar Korba, Police Station & Post Korba, Civil and Revenue District Korba, (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh through Secretary, Department of Technical Education, Manpower, Science and Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Director, Directorate of Technical Education, Manpower, Science and Technology, Chhattisgarh, Raipur, (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, (Chhattisgarh)
4. Principal, Govt. Girls Polytechnic Koni, Bilaspur, Chhattisgarh Govt. Engineering College Campus Post Office Koni, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 2421 of 2016

1. George Ekka, S/o Late Shri John Ekka, aged about 53 years, R/o Anugrah Bawan, Shanti Nagar, Jagdalpur, Police Station Bodhghat, District Bastar Jagdalpur (Chhattisgarh)

2. Harsh Vardhan Singh Thakur, S/o Late Shri Ranjan Singh Thakur, aged about 34 years, R/o Near Old C S I B Office Dharampura, Jagadalpur Distt. Bastar Jagadalpur (Chhattisgarh)
3. Bhupendra Kumar Yadav, S/o Late Shri Shiv Kumar Yadav, aged about 25 years, R/o Q. No. 2/29, Akashvani Colony, Jagadalpur Distt. Bastar Jagadalpur (Chhattisgarh)
4. Sachin Bhakt S/o Chimmanlal Bhakt, aged about 26 years, R/o Shri E-2, Block Staff Colony, Dharanpura-3, P. S. : Parpa, Distt. Bastar Jagadalpur (Chhattisgarh)
5. R. Vikas Reddy, S/o Late Shri R. Mohan Reddy, aged about 34 years, Jagdalpur, R/o Shubhas Ward No. 9, Near Hanuman Mandir Chowk, Bodhghat, Jagdalpur, Police Station Bodhghat, Distt. Bastar Jagadalpur (Chhattisgarh)
6. Manisha Dahariya, S/o Shri Resham Lal Dahariya, aged about 24 years, R/o 4f/ 2 D Type, Hospital Sector, Dallirajhara, Police Station Dallirajhara, District Balod (Chhattisgarh)
7. Nitesh Kumar Sharma, S/o Shri Mahesh Kumar Sharma aged about 25 years, R/o Uill, Post Koderar, Bastar District Bastar Jagadalpur (Chhattisgarh) P. S. : Koderar

---- Petitioners

Versus

1. State of Chhattisgarh through its Secretary Department of Technical Education, Man Power and Planning, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur (Chhattisgarh)
2. The Director, Indrawati Bhawan Directorate of Technical Education, Raipur (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through its Secretary Shankar Nagar Road, Raipur (Chhattisgarh)
4. Government Engineering College, Jagadalpur through its Principal Jagadalpur (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 2462 of 2014

1. Gopi Sao S/o Shri B.P.Sao aged about 40 years, Presently Posted as Lecturer Government Polytechnic Janjgir, Distt. Janjgir Champa (C.G.)
2. B.S.Kanwar S/o Shri Phulsai Kanwar aged about 36 years, Presently Posted as Lecturer, Govt. Polytechnic Raigarh, Distt Raigarh, (C.G.)
3. H.C.Pandey S/o Shri Jagannath Pandey aged about 42 years, Presently Posted as Lecturer, Govt. Polytechnic, Raigarh, Distt. Raigarh, (C.G.)

4. Smt. S. Sintholey, W/o Shri Manish Sintholey aged about 36 years, Presently Posted as Lecturer, Govt. Polytechnic, Durg, Dist Durg, (C.G.)
5. U. Gupta, D/o Shri B.N.Gupta Presently Posted as Lecturer, Govt. Polytechnic Durg, Distt Durg, (C.G.)
6. Vandana Tirkey, D/o Shri Rainu Tirkey, Presently Posted as Lecturer, Govt. Polytechnic, Durg, Dist Durg, (C.G.)
7. Manmohan Singh Kurrey, S/o Lt. Shri M.R.Kurre, aged about 36 years, Presently Posted as Lecturer, Govt. Engineering College, Bilaspur, Dist Bilaspur, (C.G.)
8. Baba Martandya Prasad, S/o Shri Uma Shankar, aged about 36 years, Presently Posted as Lecturer, Govt. Engineering College, Bilaspur, Distt Bilaspur, (C.G.)
9. Sudhir Kumar Pandey S/o Shri M.S.Pandey aged about 37 years, Presently Posted as Lecturer, Govt. Polytechnic Takhatpur, Distt Bilaspur, (C.G.)
10. Ashish Sagar, S/o Shri M.S. Pandey, aged about 40 years, Presently Posted as Lecturer, Govt. Polytechnic College, Takhatpur, Distt Bilaspur, (C.G.)
11. Deleted (Seema Bishwas) as Per Honble Court Order Dated 3/10/2016.
12. G. Rajesh Kumar, S/o Shri G.Krishna Kumar, aged about 43 years, Presently Posted as Lecturer, Govt. Polytechnic College, Jagdalpur, Distt Bastar, (C.G.)
13. Tejendra Prasad Singh, S/o Shri S.P.Grewal, aged about 37 years, Presently Posted as Lecturer, Govt. Engineering College, Jagdalpur, Distt Bastar, (C.G.)
14. Deleted (P. K. Singh) as Per Hon'ble Court Order Dated 22/7/2016.
15. Prabhakar Mishra S/o Shri D.D.Mishra aged about 42 years, Presently Posted as Lecturer, Govt. Engineering College, Jagdalpur, Distt Bastar At Jagdalpur, (C.G.)
16. Smt. Rashmi Swami W/o Shri Rajiv Swami, aged about 36 years, Presently Posted as Lecturer, Govt. Polytechnic College, Raipur, Dist Raipur, (C.G.)
17. Smt. Nidhi Shukla, W/o Dr. Nawal Bajpai aged about 47 years, Presently Posted as Lecturer, Govt. Polytechnic College, Raipur, Distt Raipur, (C.G.)
18. Smt. Shraddha Tiwari, W/o Shri Lokesh Tiwari, aged about 39 years, Presently Posted as Lecturer, Govt. Polytechnic College, Raipur, Distt. Raipur, (C.G.)
19. Smt. Alka Tiwari, W/o Professor Kishore Kumar Tiwari, aged about 43

years, Presently Posted as Lecturer, Govt. Polytechnic College, Raipur, Dist Raipur, (C.G.)

20. Santosh Singh, S/o Shri Rambadan Singh, aged about 42 years, Presently Posted as Lecturer, Govt. Polytechnic College, Ambikapur, Distt Surguja, (C.G.)
21. S.K. Gajendra S/o Shri R. Gajendra, aged about 50 years, Presently Posted as Lecturer, Govt. Polytechnic College, Dhamtari, Distt Dhamtari, (C.G.)
22. Vikas Chopra, S/o Shri Prem Chand Chopra, aged about 47 years, Presently Posted as Lecturer, Govt. Polytechnic College, Dhamtari, Distt Dhamtari, (C.G.)
23. Kishore Sahu, S/o Dr. (Shri) G.R. Sahu, aged about 45 years, Presently Posted as Lecturer, Govt. Polytechnic College, Durg, Distt Durg, (C.G.)
24. Abhijat Shukla, S/o Shri Ashok Shukla, aged about 40 years, Presently Posted as Lecturer, Govt. Polytechnic College, Mahasamund, Distt Mahasamund, (C.G.)
25. Mrityunjay Satpathi, S/o Shri Dhananjay Satpathi aged about 40 years, Presently Posted as Lecturer, Govt. Polytechnic College, Raipur, Dist. Raipur, (C.G.)
26. Smt. Meetu Agrawal, D/o Shri Anand Agrawal, aged about 42 years, Presently Posted as Lecturer, Govt Polytechnic College, Raipur, Dist Raipur, (C.G.)
27. A.M. Bose, S/o Shri A.C. Bose, aged about 41 years, Presently Posted as Lecturer, Govt. Polytechnic College, Jagdalpur, Distt Bastar, (C.G.)
28. Tanmay Shrivastav S/o Shri G.L. Shrivastava, aged about 44 years, Presently Posted as Lecturer, Govt. Polytechnic College, Jagdalpur, Distt. Bastar, (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, through the Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi Distt. Raipur (C.G.)
2. The Director, Directorate of Technical Education, Raipur, Dist. Raipur, (C.G.)
3. The Public Service Commission through The Secretary, PSC, Raipur, Dist Raipur, (C.G.)

---- Respondents

Writ Petition (S) No. 4231 of 2016

1. Smt. Madhumalini John, W/o Shri. Somesh Kumar John, aged about 39 years, R/o B- 102, Siyaram Apartment, Opposite to City Mall, Mangla Chowk, Bilaspur, District Bilaspur (Chhattisgarh)
2. Smt. Babita Yadav, W/o Shri Mrityunjay Yadav, aged about 30 years, R/o Ring Road No. 2, Shanti Nagar, Bilaspur, District Bilaspur (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh through Secretary, Department of Technical Education, Manpower, Science and Technology, Mahanadi Bhawan Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Director, Directorate of Technical Education, Manpower, Science and Technology, Chhattisgarh, Raipur (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur (Chhattisgarh)
4. Principal, Govt. Girls Polytechnic College, Koni, Bilaspur (Chhattisgarh)
5. Principal, Govt. Polytechnic College, Korea, Baikunthpur (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 2867 of 2015

1. Dr. Smt. Neena Rai W/o Shri Praveen Rai aged about 46 years, Lecturer, Government Engineering College, Bilas pur, R/o Imlipara, Bilaspur (Chhattisgarh)
2. Smt. as ha Soni W/o Late Shri Rakesh Kumar Soni aged about 40 years, Lecturer, Government Engineering College, Bilas pur, R/o Qtr. No. C-1/28, Rama Green City, Khamtarai Road, Bilas pur, (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh through the Secretary, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, (Chhattisgarh)
2. Director, Directorate of Technical Education, Government Girls Polytechnic Campus, Byron Bazaar, Raipur, (Chhattisgarh)

3. Chhattisgarh Public Service Commission, through The Secretary, Public Service Commission, Shankar Nagar Road, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 1928 of 2016

Smt. S.P.Francis @ Priya Albert Das s W/o Shri Yogesh Albert Das s, aged about 34 years, Lecturer, Government Engineering College, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh through: the Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, Raipur, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Raipur, District Raipur, (Chhattisgarh)
3. The Public Service Commission, Through: The Secretary, Public Service Commission, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 5704 of 2016

Narayan Singh Burman, S/o Lt. Lakhan Lal Burman, aged about 42 years, Occupation Lecturer (Contract), R/o Permanent Resident of Village Persia, P.O. Badra Thakur, Police Station Pathariya, Civil and Revenue District Mungeli, (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh through: Secretary, Department of Technical Education, Manpower, Science and Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Director, Directorate of Technical Education, Manpower, Science and Technology, Chhattisgarh, Raipur, Distt. Raipur, (Chhattisgarh)
3. Chhattisgarh Public Service Commission, Through: its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, (Chhattisgarh)
4. Principal, Government Polytechnic Takhatpur, Police Station Takhatpur, Distt. Bilaspur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 5254 of 2016

Ku. Shalini Gupta, D/o Shri K.P. Gupta, aged about 31 years, Occupation-Service, Lecturer-Mechanical H. O. D., Kirodimal Polytechnic College, Raigarh, District- Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary Department of Technical Education, Man Power and Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, Distt. Raipur, Chhattisgarh.
2. The Director, Directorate of Technical Education, Raipur, Chhattisgarh.
3. The Public Service Commission, through The Secretary, P.S.C. Raipur, Chhattisgarh.
4. The Principal, Government Polytechnic College, Raigarh, Distt, Raigarh, Chhattisgarh.

---- **Respondents**

Writ Petition (S) No. 2726 of 2014

Sanjeev Kumar Singh, S/o Shri Rajnarayan Singh aged about 42 Years, R/o Namnakala, Ambikapur, Distt. Surguja C.G.

---- **Petitioner**

Versus

1. State of Chhattisgarh, through the Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, Chhattisgarh
2. The Director, Directorate of Technical Education, Bairan Bazar, Raipur C.G.
3. The Chhattisgarh Public Service Commission through The Secretary, PSC Raipur, C.G.

---- **Respondents**

Writ Petition (S) No. 4667 of 2016

Priyanka Bhagat, D/o Shri Madan Mohan Bhagat, aged about 34 years, Occupation Service, Lecturer, Computer Science, Government Girls Polytechnic College, Raipur, R/o Vikas Nagar, Ramkrishna, Ward -2, Gudiyari, Distt. Raipur, (Chhattisgarh)

---- **Petitioner**

Versus

1. The State of Chhattisgarh through the Secretary, Department of Technical Education, Man Power and Planning, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Indrawati Bhawan, Raipur, (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through its Secretary, Shankar Nagar Road, Raipur, (Chhattisgarh)
4. The Government Polytechnic College, Raipur, through its Principal.

---- Respondents**Writ Petition (S) No. 5485 of 2016**

Hemsagar Nayak, S/o Shri Khem Nidhi Nayak, aged about 30 years, Occupation Service, Presently Working as Assistant Workshop Supt. (Mechanical Branch), Kirodimal Government Polytechnic College, Chakradhar Nagar, Raigarh (Chhattisgarh), R/o Village and Post Loharsingh, Tahsil Pussore, Distt. Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Department of Technical Education, Man Power and Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, Distt. Raipur, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Raipur, (Chhattisgarh)
3. The Public Service Commission, through The Secretary, P.S.C., Raipur, (Chhattisgarh)
4. The Principal, Kirodimal Government Polytechnic College, Chakradha Nagar, Raigarh, District Raigarh, (Chhattisgarh)

---- Respondents**Writ Petition (S) No. 829 of 2016**

Smt. Aparna Mishra, W/o Shri Ramendra Mishra, aged about 43 years, Lecturer (Civil), Uday Pras ad Uday Government Polytechnic, Durg, District Durg, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through: the Secretary, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, (Chhattisgarh)

2. Director, Directorate of Technical Education, 4th Floor, Third Block, Indrawati Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. Chhattisgarh Public Service Commission, Through: The Secretary, Public Service Commission, Shankar Nagar Road, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (S) No. 1974 of 2016

1. Vinod Kumar Joshi, S/o Shri Dev Kumar Joshi, aged about 28 Years, Presently Posted as Lecturer, At Government Polytechnic College, Korba, Distt. Korba, (Chhattisgarh)
2. Mohd Irfan Khan, S/o Mohd Islam Khan, aged about 33 Years, Presently Posted as Lecturer, At Minimata Girls Polytechnic, Rajnandgaon, Distt. Rajnandgaon, (Chhattisgarh)
3. Nilima Janardan, D/o Shri H. P. Janardan, aged about 33 Years, Presently Posted as Lecturer, At Govt. Girls Polytechnic, Raipur, Distt. Raipur, (Chhattisgarh)
4. Jitendra Singh Chandra, S/o Shri Gulab Singh Chandra, aged about 27 Years, Presently Posted as Lecturer, Government Engineering College, Raipur, Distt. Raipur (Chhattisgarh)
5. Manish Gupta, S/o Mr. Ramkumar Gupta, aged about 30 Years, Presently Posted as Lecturer, B. R. P. Government Polytechnic College, Dhamtari, Distt. Dhamtari, (Chhattisgarh)
6. Deleted (Dr. Avinas Tripathi)
7. Prashant Sharma, S/o Shri G. L. Sahu, aged about 29 Years, Presently Posted as Lecturer, Minimata Girls Polytechnic, Rajnandgaon, Distt. Rajnandgaon, (Chhattisgarh)
8. Rakesh Kumar, S/o Shri Mantu Ram, aged about 28 Years, Presently Posted as Lecturer, Government Polytechnic Khairagarh, Distt. Rajnandgaon, (Chhattisgarh)
9. Ruman Singh Chandrawanshi, S/o Shri Shiv Kumar Chandrawanshi, aged about 28 Years, Presently Posted as Lecturer, Govt. Polytechnic Korea, Distt. Korea, (Chhattisgarh)
10. Deleted (Satya Kumar Sharma)
11. Deleted (Ashish Kumar Jambulkar)
12. Swapnil Saxena, S/o Shri Ashok Kumar Saxena, aged about 29 Years Presently Posted as Lecturer, Govt. Polytechnic College, Kabirdham, (Chhattisgarh)
13. Roshin Tirkey, W/o Shri Anand Prakash Tirkey, aged about 29 Years Presently Posted as Lecturer, Government Polytechnic Kabirdham, Distt. Kabirdham, (Chhattisgarh)

14. Shresth Gupta, S/o Rajesh Kumar Gupta, aged about 29 Years Presently Posted At Govt. Polytechnic College, Ambikapur, Distt. Surguja, (Chhattisgarh)
15. Jitendra Kumar Dewangan, S/o Shri Radheshyam Dewangan, aged about 32 Years Presently Posted as Lecturer, Govt. Girls College, Raipur, Distt. Raipur, (Chhattisgarh)
16. Paleshwar Singh Patel, S/o Shri Dashrath Prasad Patel, aged about 34 Years Presently Posted as Lecturer, B R P Govt. Polytechnic Dhamtari, Distt. Dhamtari, (Chhattisgarh)
17. Suryakant Sinha, S/o Hira Lal Sinha, aged about 31 Years Presently Posted as Lecturer, B R P Government Polytechnic College, Dhamtari, Distt. Dhamtari, (Chhattisgarh)
18. Awantika Vishwakarma, D/o Shri R. V. Vishwakarma, aged about 37 Years Presently Posted as Lecturer, Government Engineering College, Raipur, (Chhattisgarh)
19. Deleted (Smt. Seema Deshmukh)
20. Deleted (Mrs. Mridul Ratna Chaurasia)
21. Meenu Sahu, D/o Late Jivkaran Sahu, aged about 32 Years Presently Working as Lecturer, Govt. Engineering College, Raipur, Distt. Raipur, (Chhattisgarh)
22. Shanti Rathore, W/o Shri Navnit Singh Rathore, aged about 30 Years, Presently Working as Lecturer, Govt. Polytechnic Takhatpur, Distt. Bilaspur, (Chhattisgarh)
23. Raviprakash Pal, S/o Shri Hira Lal Prasad, aged about 35 Years Presently Working as Lecturer, Govt. Polytechnic Khairagarh, Distt. Rajnandgaon (Chhattisgarh)
24. Reena Dewangan, D/o Shri Hemlal Dewangan, aged about 31 Years Presently Working as Lecturer, Govt. Polytechnic Khairagarh, Distt. Rajnandgaon, (Chhattisgarh)
25. Deepmala Gupta, D/o Shri Dilip Kumar Gupta, aged about 33 Years Presently Working as Lecturer, Govt. Polytechnic Khairagarh, Distt. Rajnandgaon, (Chhattisgarh)
26. Anjani Naik, W/o Shri R.J. Naik, aged about 30 Years Presently Working as Lecturer, Kirodimal College, Raigarh, Distt. Raigarh, (Chhattisgarh)
27. Deleted (Tukesh Thakur)
28. Dheeraj Agrawal, S/o Shri Kanti Lal Agrawal, aged about 36 Years Presently Working as Lecturer, Govt. Polytechnic College Durg, Distt. Durg, (Chhattisgarh)
29. Khusbu Sharma, D/o Shri Prem Chand Sharma, aged about 25 Years Presently Working as Lecturer, Govt. Polytechnic College Durg, Distt.

Durg, (Chhattisgarh)

30. Vinod Kumar Dewangan, S/o Shri Amarnath Dewangan, aged about 26 Years Working as Lecturer, Govt. Polytechnic College, Ambikapur, Surguja (Chhattisgarh)
31. Deleted (Deepak Kumar Gautam)
32. Satyakam Sharma, S/o Shri Suryakant Sharma, aged about 38 Years Presently Working as Assistant Workshop Superintendent, B R P Govt. Polytechnic Rudri, Dhamtari, Distt. Dhamtari (Chhattisgarh)
33. Rainey C. Lal, W/o Shri Shrish Gir, aged about 29 Years Presently Working as Lecturer, Government Engineering College, Bilaspur (Chhattisgarh)

---- **Petitioners**

Versus

1. State of Chhattisgarh through the Secretary, Department of Technical Education, Man Power and Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, Distt. Raipur, (Chhattisgarh)
2. The Director, Directorate of Technical Education, Raipur, (Chhattisgarh), Manpower Science & Technology Chhattisgarh Raipur Chhattisgarh
3. The Public Service Commission, through The Secretary, P.S.C., Raipur, (Chhattisgarh)

---- **Respondents**

Writ Petition (S) No. 2980 of 2016

Dr. Kishwar Khan, D/o Mohd. Akram Khan, aged about 43 Years, Working as Lecturer, (English), Govt Polytechnic College, Durg, Distt. Durg (Chhattisgarh)

---- **Petitioner**

Versus

1. State of Chhattisgarh through The Secretary Department of Technical Education, Man Power and Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P. S. Rakhi, Distt. Raipur (Chhattisgarh)
2. The Director, Directorate of Technical Education, Byron Bazar, Raipur (Chhattisgarh)
3. The Public Service Commission, through The Secretary, P. S. C. Raipur (Chhattisgarh)

---- **Respondents**

Writ Petition (S) No. 3000 of 2016

Dr. Dinesh Uthra S/o. Chhabil Das Uthra, aged about 45 Years R/o. Sai Krupa Matra Chaya, Near Priyadarshani Nagar, Ring Road, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Government of Chhattisgarh, Technical Education, Man Power & Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Chhattisgarh.
2. The Director, Directorate of Technical Education, Raipur, Chhattisgarh.
3. The Public Service Commission, through : The Secretary, P S C, Raipur, Chhattisgarh.

---- Respondent

Writ Petition (S) No. 6293 of 2016

Shreya Vikas Mishra, W/o Shri Vikas Mishra, aged about 31 Years, R/o Near Mukti Dham Chowk New Sarkanda, Bilaspur, Th. & Distt. Bilaspur, (Chhattisgarh).

---- Petitioner

Versus

1. State of Chhattisgarh through, Secretary, Government of Chhattisgarh Technical Education, Man Power, & Planning Department Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, (Chhattisgarh).
2. The Director, Directorate of Technical Education Raipur, (Chhattisgarh).
3. The Public Service Commission, Through: The Secretary, PSC Raipur, (Chhattisgarh).

---- Respondents

Shri Manoj Paranjpe, Advocate for the petitioners in WPS Nos. 1302 and 2442 of 2016.

Shri Kishore Bhaduri, Shri Pawan Kesharwani and Shri R.Tripahti, Advocates for the petitioners in WPS Nos. 3573, 2334,3321,2462,2726 and 3000 of 2016.

Smt. Fouzia Mirza and Ms. Smita Jha, Advocates for the petitioners in WPS No. 2392 of 2016.

Ms. Deepali Pandey, Advocate for the petitioners in WPS Nos. 4517 and 5704 of 2016.

Shri Anup Majumdar, Advocate for the petitioners in WPS Nos. 2867,1928 and 829 of 2016.

Shri Mateen Siddiqui, Advocate for the petitioners in WPS Nos. 2469,2701,2421 and 4231 of 2016.

Ms. Sunita Jain, Advocate for the petitioners in WPS Nos. 3361 and 5119 of 2016.

Ms. Madhunisha Singh, Advocate for the petitioners in WPS No. 4778,5254,4667,5485, 2980 and 1974 of 2016.

Shri Rakesh Dubey, Advocate for the petitioners in WPS No. 1908 and 6293 of 2016.

Shri Pragalbha Sharma, Advocate for the petitioners in WPS No.1656 of 2016.

Shri S.P. Kale, Deputy Advocate General for the State.

Shri Y.C. Sharma, Shri Ashish Shrivastava, Shri Ashok Verma, Shri Abhishek Sinha, Shri B.D. Guru, Shri Soumya Rai, Shri B.L. Sahu and Ms. Pushpa Dwivedi, Advocates for the respondent-PSC.

Shri S.S. Baghel, Advocate for the respondent-Intervenor in WPS Nos. 2462 and 1974 of 2016.

Hon'ble Shri Justice P. Sam Koshy

Order reserved on : 22.11.2016

Order passed on : 02.01.2017

All the petitioners in the present bunch of writ petitions can be classified into two categories of lecturers; one category working in the Govt. Engineering Colleges and the other in Govt. Polytechnic Colleges in the State of Chhattisgarh. By way of this bunch of writ petitions, most of the petitioners have challenged the advertisement issued in the year 2015 whereby the respondents have initiated process for filling up the post of lecturers in various discipline for the regular sanctioned posts lying vacant in the different engineering and polytechnic colleges in the State of CG. Another group of petitioners have sought for a relief of only

regularization/absorption of their services with the respondents solely on the ground of the length of the period they have served with the respondents. Out of the two categories of petitioners in this bunch of writ petitions one category of petitioners are those appointed as contractual lecturers and put in quite a few years of service with the respondent State and aspiring for being either regularized or absorbed in the services of the State Govt. Another category of petitioners are those appointed as part time lecturers and are also serving in different department of Govt. engineering and polytechnic colleges for a considerable period of time and aspiring for being regularized their services.

2. The contention of the counsel for the petitioners are that the petitioners have been appointed by the respondents in accordance with the rules governing the field, the rule under which they have been appointed and are still serving with the respondents is a rule which has been enacted exercising the powers conferred upon the State Govt. in this regard under Article 309 of the Constitution of India. According to the petitioners, they have gone through a duly conducted recruitment process and only on finding them to be meritorious, they have been appointed. According to the counsel for the petitioners, the State Govt. in the year 2002 vide their notification dated 8th July, 2002 framed Chhattisgarh Technical Education three years Contract Service (Appointment and Service Conditions) Rules, 2002 (herein after referred as “the rules of 2002”) in exercise of its powers conferred upon the State Govt. under the proviso to section 309 of the Constitution of India. In the light of the rules framed in the year 2002, an advertisement was issued for appointment on the post of lecturers for three years contract period. The advertisement was issued against the sanctioned vacant post in different Govt. Engineering and Polytechnic colleges. The advertisement and the selection procedure which the petitioners underwent in the year

2003 would clearly reflect that they have been subjected to a proper process. As such they have been found qualified, competent and eligible and based upon their merits and only then the order of appointment was issued to each of the petitioners. Few of the petitioners had been appointed in the year 2004 and other petitioners have been appointed on different subsequent dates but under the same rules and in the same manner. All of them have been appointed on contractual basis against the regular post which were lying vacant. Counsel for the petitioners submitted that right from 2004 onwards or at least for the last many years, the petitioners have been continuously working and discharging their duties on the post of lecturers though on contractual basis. The last regular appointment in the Govt. Engineering and Polytechnic colleges was made in the year 1994 and thereafter there has been no regular appointment made in the colleges where the petitioners were discharging their duties. Since the appointments could not be made by the State Govt. on regular basis, they thought of filling up the post of lecturers on contract basis and accordingly, the petitioners were appointed. According to the counsel for the petitioners, right from 2004 or from the date of appointment onwards, the petitioners have been sincerely working with the respondents and there is no complaints or any incompetency or dis-satisfactory service on the part of the petitioners.

3. According to the petitioners, the State being a welfare State should have acted as a model employer and in all fairness should have considered the case of the petitioners taking into consideration their length of service and the fact that they are all otherwise fully competent, eligible and also qualified even for being considered as regular lecturers under the respondents. It was submitted that all the petitioners before this Court are eligible for being recruited to the post of lecturer in their respective fields in which they are teaching. It was contended that the petitioners fulfill the

eligibility criteria prescribed for the post of lecturer as is required under the rules pertaining to the regular lecturers in the Govt. engineering and polytechnic colleges. Since the petitioners have the eligibility criteria and that also have the experience of teaching the same, the respondents as a matter of policy should have taken steps for regularizing the service of the petitioners. Counsel for the petitioners drew the attention of this Court to the advertisement Annexure P-1 issued in the year 2012 whereby the State Govt. has now initiated steps for filling the sanctioned vacant post in different Govt. engineering and polytechnic colleges. The said posts which have now been advertised include those posts against which the petitioners are working and the moment, the recruitment process as per the said advertisement Annexure P-1 is concluded and the fresh recruitment order is issued, the petitioners shall be rendered jobless as their services would be immediately discontinued much to their detriment. According to the counsel for the petitioners, once the petitioners fulfill the requisite eligibility criteria as per the advertisement Annexure P-1, the State in all fairness as a model employer should have passed proper orders for regularizing their services.

4. Counsel for the petitioners contended that the claim for regularization/absorption of services of the petitioners is based upon the decision passed by the Bombay High Court in the case of **Sachin Ambadas Dawale and Ors. Vs. State of Maharashtra and Ors.** in an identical set of facts which has been decided in their favour. The order of the Bombay High Court has also been affirmed by the Supreme Court where the SLP of the State of Maharashtra against the order of regularization of similarly placed lecturers has been dismissed. According to the counsel for the petitioners, in case if ignoring the claim of the petitioners the State is permitted to carry on the recruitment as per the advertisement Annexure P-1, the same may amount to sheer exploitation of the unemployed youths of the State.

5. In addition, counsel for the petitioners relying upon the decision of the Supreme Court in the case of Secretary, State of Karnataka & Others v. Uma Devi & Others¹ and referring to paragraph-53 submitted that it is a case where the State Govt. taking into consideration the factual matrix of the case at least should have introduced one time measure as regards the regularization of the service of the contractual lecturers working in the State of CG for long.

6. Shri Bhaduri appearing for a bunch of petitions submitted that the action on the part of the respondents is bad in law and arbitrary also for the reason that the State Govt. themselves have on an earlier occasion initiated steps for regularization/absorption of the services of all these contractual employees who had completed a minimum length of services with the respondent state. Once when the State Govt. themselves have initiated steps for regularization/absorption of the services of the petitioners, all endeavours and efforts should have been made by the State Govt. to ensure that the services of the petitioners are regularized or absorbed. According to him, since the petitioners have been working with the respondents uninterruptedly for the last many years, technically they cannot be said to be contractual employees for the simple reason that the petitioners have been working uninterruptedly for a considerable long period against sanctioned vacant post.

7. In addition to the strong reliance made upon the decision of the Bombay High Court in case of Sachin Ambadas (supra) counsel for the petitioners also relied upon the case of Amarendra Kumar Mohapatra and others v. State of Orissa reported in (2014) 4 SCC 583, State of Jharkhand and others Vs. Kamal Prasad and others reported in 2014 AIR SCW 2513, State of Karnataka and others Vs. M. L. Kesari and Others reported in

1 (2006) 4 SCC 1

(2010) 9 SCC 247, Nihal Singh and Others Vs. State of Punjab and others reported in (2013) 14 SCC 65.

8. The petitioners in W.P.S Nos. 2469/16, 2701/16 & 2421/16 are those lecturers who have been appointed on the part time basis and they have also been put in a considerable period of service. According to the petitioners, the persons appointed on part time basis are better placed than the contractual employees. According to the counsel for the petitioners, the status of the petitioners in these three writ petitions are part time lecturers, it means that their case is better than the contractual lecturers as there is no tenure or period of contract specified so far as the part time lecturers are concerned. They have been discharging their duties for a considerable period of time and therefore they have gathered some right and since the tenure was not prescribed and they are still discharging their duties as a part time lecturers. They also relied upon the decisions of the Supreme Court which has been relied by the counsel on behalf of the other petitioners. Thus, counsel for the petitioners prayed for allowing the petitions.

9. Shri Rakesh Dubey, counsel appearing for the petitioners in Writ Petition (S) Nos 1908/2016 & 6293/2016 submitted that it is a case where the petitioner has sought for a direction to the respondents to consider his case for taking back in employment and for regularization in case the other petitions are decided in favour of the petitioners. According to Shri Dubey, the petitioner namely Manish was initially engaged as a contractual employee and he was working in the Govt. Engineering College, Bilaspur till 2011. Thereafter his services were discontinued in the year 2011 and since then he is out of employment of the respondents. Shri Dubey prays that in case if this Court considers the case of the other petitioners for regularization then his case may also be considered looking into the number of years that he has already served with the Govt. engineering college as a

contractual employee.

10. Smt. Fouzia Mirza, counsel appearing for the petitioner in Writ Petition No. 2392 of 2016, adopting the arguments advanced by the counsel for the other petitioners, submits that the petitioner in the said writ petition is working in the ITI department as a contractual employee, and only on account of length of service that she has rendered with the respondents she is seeking for the regularization as also on the ground that she is working against sanctioned vacant post. All the other contentions put forth by Smt. Mirza are the same.

11. Arguing the case on behalf of the State Govt. Shri S. P. Kale, Dy. Advocate General submitted that it is a case where the legal position stands settled by a catena of decisions laid down by the Supreme Court as well as by various High Courts. According to him, the petitioners in the instant case who are on contractual employment have a very limited right beyond the contract period. According to him, once the petitioners have been appointed on contractual basis and they have accepted the contractual agreement, under no circumstances would they be entitled for a relief beyond the contractual agreement and beyond the period of contract. According to the State counsel, merely because of the administrative compulsion if the State has extended the contractual period from time to time by signing fresh contracts with each of the petitioners that by itself would not create an indefeasible right over the sanctioned vacant posts available with the State Govt., the recruitment of which would be done only in accordance with the general rule of recruitment governing the field. According to the State counsel, once when the contract was signed by each of the petitioners, it was explicit that their services with the respondents were for a limited period and for a specific duration. The period of

culmination of contract was also specified in the contract that by itself establishes the fact that the petitioners' services would automatically get discontinued the moment the contract period is over. Thus, the petitioners now cannot be permitted to raise a grievance alleging foul play on the part of the State Govt. in not regularizing their services. State counsel also disputes the fact of all the petitioners having the minimum eligibility criteria as is required under the general rules of recruitment for the post against which they are claiming their right.

12. State counsel referred to the conditions attached to the order of appointment wherein it was very specifically enumerated that the contractual employment of the petitioners being of a specific limited tenure and that the engagement of the petitioners being contractual would not confer them any right of regularization. The condition to contract itself stipulate the specific period for which the petitioners have been appointed and having accepted the conditions of the contract of not raising a claim at any point of time so far as the contractual engagement is concerned, the petitioners now cannot go back and re-agitate the issue.

13. State counsel further highlighted an issue wherein he referred to certain names of the employees all of whom in due course of time have been terminated from services on account of the alleged misconduct and as of now, they are out of employment. As long as they do not succeed in the case by getting an order of termination quashed by the appropriate Court, this Court under Article 226 of the Constitution of India would not interfere with the same. State counsel further submitted that the appointment of the petitioners was a tenure posting and the rules under which they have been appointed itself very specifically stipulates the period of the contract. According to him, once the petitioners have voluntarily without any hesitation or reservation, accepted the employment at the first instance and having

worked on the said post knowing fully well the rules under which they were appointed and the conditions to the appointment, now they cannot claim for regularization/absorption. In addition, the petitioners at the time of appointment had also given categorical undertaking in respect of the fact that at a later stage they would not try to claim any right from the services that they have rendered as a contractual appointee. He further submitted that in the bunch of writ petitions, there are only a very few petitioners who have put in more than 10 years service as a contractual lecturer and majority of the petitioners have barely put in just a few years of service and therefore all the petitioners cannot be looked at with the same lens as the conditions of appointment in respect of each of the petitioners would prevail dis-entitling them from any relief of regularization/absorption. Once when the rules under which they have been appointed do not give a right in favour of the petitioners, the relief sought for by the petitioners cannot be granted as it is settled position of law that under the service jurisprudence a person/employee would not get more than what the rules prescribe or anything beyond the rules. In case the regular sanctioned vacant posts are filled up by the present petitioners by way of regularization, firstly it would be contrary to the rules and secondly it would amount to depriving a large number of candidates who could be more meritorious given a chance of participating in the regular recruitment which the Govt. has not undertaken for a quite long time now. If the petitioners are ordered to be regularized or absorbed, it would amount to providing them entry without undergoing the selection process as is required for the recruitment of regular sanctioned vacant posts. According to the State Counsel, the rules do not permit to fill up the regular sanctioned vacant posts by way of regularization or absorption. The Rules specifically stipulate that it has to be by way of direct recruitment. When the rules do not permit for filling up the posts even by

regularization, the entire case of the petitioners gets collapsed howsoever long period they might have served the respondents.

14. In addition to the submissions made by the State Counsel Shri Ashish Shrivastava, Advocate appearing for the Public Service Commission submitted that what is paramount to be looked into is the order of appointment which was issued to each of the petitioners and a perusal of the same would clearly reflect that it was unambiguous and very specific. The order of appointment specifically shows the tenure of appointment and the rights of the petitioners and therefore, the petitioners cannot get what is beyond the order of appointment. It was submitted that the order of appointment also specifically enumerates the fact that the service of the petitioners would be as per the rules framed by the State Govt. in respect of contractual appointments and the said rules also do not envisage any sort of regularization or absorption whatsoever by virtue of the length of service. This by itself clearly reflects that they have not got any indefeasible right for having served all these years with the respondents. The order of appointment itself very specifically enumerates the fact that it is not a regular post and the petitioners would not be entitled for pension and pensionary benefits and their services would get automatically terminated after completion of the contractual period mentioned in the appointment order and if their services are found suitable, they may be again appointed only as a fresh contractual employee. He submitted that this aspect was known to the petitioners and they have accepted the same with wide open eyes and have also given an undertaking in this regard. Thus, the petitioners are now estopped from raising any claim only on the basis of length of service that they have rendered. He further submitted that except for a few petitioners, most of the petitioners have not even put in 10 years of service so as to bring their case within the ambit of serving the respondents

uninterruptedly for a very long time and thus the claim of the petitioners deserves to be rejected on this ground alone.

15. Shri Shrivastava further highlighted the aspect that barring a couple of petitioners, remaining of them can still participate in the recruitment process for which the advertisement has been issued or for which the Govt. intends to fill up the posts by way of regular recruitment in accordance to the rules governing the recruitment and service condition. According to him, all these petitions have been filed with a mala fide intention of somehow avoiding to participate in the selection process which itself creates a doubt to the competency of the petitioners. When most of the petitioners are eligible to participate in the recruitment process for which the advertisement has now been issued, it cannot be said that they would be in any manner denied of any of their rights and the fact that the majority of them are eligible to participate in the recruitment process should also meet the required legitimate expectations of the petitioners. Just because the petitioners at one point of time were engaged by the respondents that to purely on contract basis, they cannot now claim as a matter of right regularization or for that matter absorption when the rules under which they were appointed do not provide for regularization.

16. According to Shri Shrivastava, the judgment which is being strongly relied upon by the petitioners i.e. Sachin Ambadas (supra) was under entirely different contractual background and under different rules, therefore the ratio laid down by the High Court of Bombay in the said case cannot be applied in the factual background of the present case. He referred to a recent decision of the Hon'ble Supreme Court in the case of **State of Maharashtra and others vs. Anita and another** reported in **(2016) 8 SCC 293** wherein the Supreme Court has laid down the principle so far as the contractual appointment for a specific period has been made. The Supreme

Court in the said case has in very categorical terms held that the petitioners having accepted the appointments on contractual basis they are estopped from challenging the nature of appointment once having duly accepted the same. Likewise Shri Shrivastava also relied upon the case of **State of Madhya Pradesh vs. Sandhya Tomar and another** reported in **(2013) 3 SCC 357** and submitted that the Supreme Court in the said case has also held that the appointment of the petitioners being made on temporary basis and not on regular basis, they do not have a right for regular appointment. It was held in the said case that the services of a temporary appointee are not governed by any statutory rules and would be governed by the terms and conditions enumerated in the appointment letter. It was further held that the temporary appointee since being not appointed on regular basis cannot claim any lien on the said post.

17. Shri Y. C. Sharma and Shri B. D Guru Advocates have also adopted the arguments put forth by Shri Ashish Shrivastava, appearing for the Chhattisgarh Public Service Commission.

18. Shri Abhishek Sinha, Advocate appearing in few of the cases, in addition to what Shri Shrivastava has submitted, submits that so far as the the petitioners in couple of the petitions are concerned, they have not challenged the advertisement but only have claimed for regularization which in the factual background of the case would not be maintainable. The petitioners cannot create right in their favour unless the advertisement is held to be bad in law. It was also contended by Shri Sinha that in all the cases, the order of appointment was issued to each of the petitioners by their respective institutions in which they are serving whereas under the general rules, the Principal is not the appointing authority. Since the appointment of the petitioners have not been made by the appointing Authority as per the general rules, the petitioners cannot claim that their

order of appointment even on contractual basis is in accordance with the rule. He further submitted that it would also amount to the petitioners not having an order of appointment issued by a competent Appointing Authority which could otherwise be said to be a proper order of appointment under the general rules. For this reason also the petitioners would not be entitled for the relief of either regularization or absorption.

19. Heard counsel for the parties.

20. Before considering the submissions put forth by the counsel for the petitioners it would be relevant to refer to certain judicial pronouncements which have been made in the recent past in respect of the contractual employment. One of the most recent decisions in this field is the judgment of the Supreme Court in the case of **State of Maharashtra and others vs. Anita and another** reported in **(2016) 8 SCC 293** which has also been referred by the counsel appearing for the PSC. In paragraph-14 of the said judgment it has been emphatically held that:

“14. It is relevant to note that the respondents at the time of appointment have accepted an agreement in accordance with Appendix 'B' attached to the Government Resolution dated 15.09.2006. The terms of the agreement specifically lay down that the appointment is purely contractual and that the respondents will not be entitled to claim any rights, interest and benefits whatsoever of the permanent service in the Government.”

The Supreme Court has time and again reiterated the said proposition of law that the Courts cannot direct for creation of post nor grant the status of permanency where the post does not exist.

21. The Supreme Court in the land mark judgment in the case of Umadevi (supra) while dealing with the question of equality in public employment and also comparing the rights of a contractual employee or for that matter the rights of a daily wage employee or temporary employee has held as under:

“43. Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. Therefore, consistent with the scheme for public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right. High Courts acting under Article 226 of the Constitution of India, should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because, an employee had continued under cover of an order of Court, which we have described as 'litigious employment' in the earlier part of the judgment, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the State the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the State or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandates.”

Further In Paragraph-52 it has been held as under:

52. Normally, what is sought for by such temporary employees when they approach the court, is the issue of a writ of mandamus directing the employer, the State or its instrumentalities, to absorb them in permanent service or to allow them to continue. In this context, the question arises

whether a mandamus could be issued in favour of such persons. This Court held that in order that a mandamus may issue to compel the authorities to do something, it must be shown that the statute imposes a legal duty on the authority and the aggrieved party had a legal right under the statute or rule to enforce it. This classical position continues and a mandamus could not be issued in favour of the employees directing the government to make them permanent since the employees cannot show that they have an enforceable legal right to be permanently absorbed or that the State has a legal duty to make them permanent.”

22. In the case of **Dr. Rai Shivendra Bahadur Vs. The Governing Body of the Nalanda College** reported in **1962 AIR 1210** the Constitutional Bench of the Supreme Court has held that “In order that mandamus may issue to compel the respondents to do something it must be shown that the Statutes impose a legal duty and the appellant has a legal right under the Statutes to enforce its performance.”

23. It has been the consistent view of the Supreme Court as also of various High Courts that appointment to a Govt. service or in the service of only of its instrumentality can only be by way of proper selection in the manner recognized by the relevant legislation in this context. The individual rights in respect of a few cannot prevail upon the rights of numerous other persons who are also equally eligible and are waiting for an opportunity to be given to participate in the selection procedure as per the rules governing the field so that they can also attempt for getting an employment in Govt. service. The Supreme Court has been emphatical while considering the rights of individual under Article 21 of the Constitution of India envisaging the ratio that in the name of individualizing justice it is not possible to shut our eyes to the Constitutional scheme and the rights of numerous other eligible persons as against few who are before the Court. The directive principles of the State policy have also to be reconciled with the rights available to the citizens under Part-III of the Constitution of India and the obligation of the State to one and all and not to a particular group of citizens.

24. It would be relevant at this juncture to refer to the decision of the Supreme Court in the case of **State of Karnataka and Others Vs. G. V. Chandrashekar** reported in **(2009) 4 SCC 342** wherein again reiterating the principles of law laid down by the constitutional Bench of the Supreme Court in the case of Umadevi (supra) referring to paragraph-43 has held that if it is a contractual appointment, the appointment comes to an end at the end of the contract.

25. The High Court of Delhi in the case of **Union of India v. Phool Dev Singh** in WPC No. 12479/2009 decided on 18.08.2010 in paragraph-18 has held that the Govt. is not precluded from engaging workers on daily wages but any appointment to public posts can only be made in terms of the statutory rules framed under Article 309 of Constitution of India. An employee engaged on daily wage basis cannot claim to be made a permanent employee.

26. From the aforesaid legal dictum what clearly culls out is the fact that the doctrine of legitimate expectations cannot be invoked by a person who has been engaged on contractual basis particularly when he is aware of his nature of employment and has accepted it with wide open eyes though he may not be in a position of bargain. Furthermore, a regular post in Govt. employment has to be filled up purely and strictly in accordance with the rules governing the field. When an order of appointment is on contractual basis, it is implied that it is for a fixed period, terminable without notice and it comes to end by efflux of time. Such appointees do not have a right to continue in the post or claim for regularization after the period of service or while in continuation of contractual employment. In absence of any rule providing for such regularization, the High Court cannot and must not transgress its limit only on the basis of having sympathy with the petitioners before the Court taking into consideration their length of service. A

sanctioned vacant post must be filled up by way of selection in accordance with the rules governing the field where the petitioners may also compete with others for the regular permanent appointment.

27. The law of regularization has undergone a substantial change in view of the decision of the Supreme Court in the case of Umadevi. It has been reiterated by the Supreme Court on repeated occasions that the constitutional scheme of public employment must be headed by a larger public interest and it should be ensured that the sanctity of the constitutional scheme for employment should not be watered down by the Courts by issuing directions for regularization. It has also been enunciated in a *catena* of decisions that the regularization defeats the principle of equality enshrined under Article 14 of the Constitution of India. Mere fact that a contractual employee has worked for a long duration does not automatically entitle such person to be regularized on that post as he has been quite aware of the nature of his employment and the order of appointment itself very specifically stipulates the fact that he does not acquire any legal right to that post.

28. At this juncture it would also be relevant to quote Paragraph-47 of the judgment of Umadevi case:

“47. When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in cases concerned, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post.”

29. In the light of the aforesaid principles of law when we look into the facts of the present case what clearly reflects is that barring a very few, vast majority of the petitioners can still participate for being selected as a regular employee by competing with the other similarly eligible persons who also wish to participate in the selection process for which the advertisement has been issued by the State Govt. for filling up the vacant sanctioned posts on regular basis. Likewise, except for a few, majority of the petitioners again have not even put in more than 10 years of service even if for argument sake they intend to take the advantage of paragraph-53 in the case of Umadevi which is a must even for issuance of a one time measure. Even otherwise the ratio laid down by the Supreme Court in Uma Devi case in paragraph 53, as only one time measure to be invoked so far as the persons who had been working as daily wagers or on contractual basis for more than 10 years on the date of judgment in Uma Devi case. The said observations cannot under any circumstances be repeated, each time there is an employee who has worked for a considerable period of time for the purpose of regularizing his services, else the entire principles as laid down in the judgment of Uma Devi case would become redundant. Another pertinent feature of the petitioners in the instant case is the source of their recruitment for a vast majority of petitioners undisputedly was contractual employment for a specified fixed period. Even after completion of the stipulated period, the continuation of the petitioners in service was by way of a fresh contract being entered upon. The advertisement on the basis of which the contractual employment was made and the order of appointment as a contractual employee both very specifically had made it clear that the petitioners do not have any substantive right on the post and it was also made clear that they

would not be entitled for any relief which otherwise is given to a regular employee. Another aspect which cannot be brushed aside is that the order of appointment as a contractual employee was also made in accordance with the rules framed by the State Govt. for temporarily filling up the sanctioned vacant posts which were lying vacant for a considerable period on account of the fact that for some reason or the other the Govt. could not conduct the recruitment on regular basis. The rules for contractual employment upon which the petitioners have been appointed known as Chhattisgarh Technical Education Three Years Contract Service (Appointment and Service Conditions) Rule 2002 also very clearly stipulate that the persons appointed under the said rules shall not be entitled for any other relief except what has been stipulated in the order of appointment and also cannot claim any benefits that are otherwise given to a regular employee. Last but not least the petitioners before this Court have also given an undertaking to the respondents while accepting the contractual employment that they shall not under any circumstances claim any benefit by virtue of their serving the respondents as a contractual employee for the period that they have worked as a contractual employee other than what is enumerated in the order of appointment or the rules governing the contractual employment.

30. So far as the remaining petitioners are concerned they are all working as part time employees with the respondents and the very nomenclature under which they are working itself gives sufficient indication of the fact that they are engaged only as a stop gap ad-hoc arrangement and the law so far as the part time employees are concerned is also some what similar or identical to that of a daily wage worker or, for that matter, the contractual employee inasmuch as there is no indefeasible right accrued in favour of an employee who has been

engaged purely as a part time employee. In one of the recent decisions of the Supreme Court rendered in the case of **State of Rajasthan & Ors. v. Daya Lal & Ors.**, reported in **AIR 2011 SC 1193**, the Hon'ble Supreme Court while dealing with the issue of the claim of regularization by a part time employee has held as under :

“8. We may at the outset refer to the following well settled principles relating to regularization and parity in pay, relevant in the context of these appeals:

(i) High Courts, in exercising power under [Article 226](#) of the Constitution will not issue directions for regularization, absorption or permanent continuance, unless the employees claiming regularization had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant posts. The equality clause contained in Articles 14 and 16 should be scrupulously followed and courts should not issue a direction for regularization of services of an employee which would be violative of constitutional scheme. While something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularized, back door entries, appointments contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularized.

(ii) Mere continuation of service by an temporary or ad hoc or daily-wage employee, under cover of some interim orders of the court, would not confer upon him any right to be absorbed into service, as such service would be 'litigious employment'. Even temporary, ad hoc or daily- wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularization, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularization in the absence of a legal right.

(iii) xxx xxx xxx

(iv) Part-time employees are not entitled to seek regularization as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularization or permanent continuance of part time temporary employees.

(v) xxx xxx xxx”

31. If we look into the aforesaid legal and factual position it is very clear that it is not a case where the petitioners who had accepted their engagement as a contractual employee were not aware of their nature of employment. They had accepted their employment with wide open eyes. True it is that they may not be in a position to bargain and must have

accepted the same while searching for an employment after his educational career was over. Under the said situation, most of the time a candidate accepts whatever he first gets. It may also be a case where many of the petitioners in due course of time must have applied for and attempted to get employment elsewhere but could not succeed. Only because the petitioners in the present petitions have served the respondents for some period of time alone cannot be a ground to forgo the constitutional scheme of appointment and to take a view that these persons who have worked for sometime be regularized. Such action would also amount to deviating from the normal mode of recruitment as is prescribed under the recruitment rules and would also amount to creating another channel of appointment to the public posts which under the rules is not otherwise permissible.

32. In the instant case, under the rules, the mode of appointment is only by way of direct recruitment. Thus, regularization cannot be a mode for filling up of the regular sanctioned posts. The very fact that the Govt. has framed rules for recruitment of contractual employment itself depict that the same were framed taking into consideration the need of the hour. Under the said circumstances, if in the rules framed by the Govt. there is no provision for regularization, it clearly indicates that there has been a deliberate exclusion of such a provision and the Govt. was clear in its mind that the sanctioned vacant post has to be filled up in accordance with the rules framed by the State Govt. If we accept the analogy laid by the counsel for the petitioners, it would amount to forgoing the procedure prescribed by law for public employment and would also amount to violation of equal opportunity enshrined under Article 14 of the Constitution of India and may fail when tested on the touchstone of constitutionality. When the petitioners had got the order of appointment as a contractual employee, they were well aware of the consequences of appointment and the fact that it was purely

contractual for a specified fix period. Therefore, the petitioners now cannot try to invoke the writ jurisdiction of this Court applying the theory of legitimate expectation or the law of equity for being regularized particularly when the post for which they are claiming regularization has to be filled up only by following a procedure of selection prescribed under the rules.

33. The respondents in the instant case had never promised or assured nor does the rule or the appointment order envisage that at a later stage the service of the petitioners can be considered for regularization. There is no fundamental right conferred or accrued in favour of the petitioners by which they can claim for being regularized in Govt. service when their service itself is on contractual basis. When the rule of law compels the State Govt. to make appointment as envisaged by the Constitution or a rule framed under the Constitution, the State Govt. is duty bound to fill up those sanctioned vacant posts strictly and purely in accordance with the rules.

34. Under the aforesaid factual background, this Court has no hesitation in reaching to the conclusion that no right whatsoever has been created in favour of the petitioners for issuance of a writ of mandamus for regularizing their services, even though this Court may have sympathy with the petitioners but the law and the rules do not permit the petitioners to be entitled for any relief. True it is that the Govt. should have before issuance of the advertisement thought of these petitioners or at least those petitioners who have put in service for a considerable long period and evolved some mechanism which could have given some advantage to the petitioners or at least to those petitioners who have put in long service under the respondents. Regularization of service of a contractual employee whose appointment has been made under a specific rule and by a specific order of appointment for a specific period of time can only be made, provided, there is a legislative mandate. It cannot be granted in the peculiar facts and

circumstances of the case by invoking the writ jurisdiction of this Court as it is a well settled proposition of law that no fundamental right is accrued in favour of a person for regularization when the initial order of appointment itself is on contractual basis. A contractual appointment cannot be converted into regular appointment on the sole ground that the petitioner had continued in service for more than a decade.

35. So far as the argument of Shri Bhaduri appearing for some of the petitioners that the respondents have already processed the cases of some of petitioners for regularization is concerned, all that can be said is that unless a right is created by a proper legal order in favour of the incumbent, the High Court in exercise of its power under Article 226 of the Constitution of India may not have the powers to issue a writ of mandamus to regularize the services of the petitioners as the same can be issued only against a public authority on its failure to perform mandatory legal duty. The petitioners in the present case have failed to show any legal duty casted upon the respondents by virtue of which this Court could issue a writ of mandamus. The view of this Court also stands fortified from a recent decision of the Division Bench of Punjab and Haryana High Court in the case of **Shilpa Jindal v. Central Administrative Tribunal, Chandigarh Bench Chandigarh and others** decided on 29.04.2016 in CWP No. 16157 of 2015 (O&M) wherein also the petitioners were claiming for regularization on the post of associate professor and lecturer.

36. In view of the aforesaid discussions made in the preceding paragraphs and also the principles laid down by the Supreme Court, this Court is of the opinion that the petitioners have not made out a strong case for grant of relief that they have sought for nor can the relief of quashment of the advertisement which has been challenged in few of the petitions be sustainable, taking into consideration the nature of employment of the

petitioners. Thus, all these petitions being devoid of merit deserve to be and are accordingly dismissed and all the interim orders which have been passed pending these petitions also stand vacated and merged with this final order. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE