

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.366 of 2017

Tikeshwar Prasad Sahu S/o Sonu Lal Sahu, Aged About 39 Years
R/o Village Dhutikona, P. O. Lambar, Block Basna, District
Mahasamund (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, School Education Department, Mantralaya, Mahanadi Bhavan, New Raipur, District Raipur (Chhattisgarh)
2. Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur , District Raipur (Chhattisgarh)
3. Director, Public Instructions, Raipur, Indrawati Bhawan, Naya Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund (Chhattisgarh)
5. Block Executive Officer, Block Basna, District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner: Mr. K.P. Sahu, Advocate.
For State/Respondents: Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K.Agrawal

Order On Board

23/01/2017

1. Heard.
2. Issue notice.
3. Mr. Mukhopadhyay, Dy.G.A. accepts notice on behalf of the State/respondents. Hence the petitioner is not required to pay separate PF for the State/respondents.
4. At the outset, learned counsel for the petitioner submits that the

instant writ petition may be disposed of in the light of the order dated 25-10-2016 passed in W.P.No.7624/2006.

5. In W.P.No.7624/2006 vide order dated 25-10-2016, this Court held as follows: -

"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 v. Kishan Gopal Vyas¹).

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

6. In view of the above, the petition is disposed of on similar terms as observed herein-above. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

1 (1996) 7 SCC 134