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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1707 of 2017**

- Jay Kumar Paraste S/o Buddhu Singh Aged About 41 Years R/o Village Dullapur, P.O. Khudiya, Tahsil Lormi, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Mungeli, District- Mungeli, Chhattisgarh
5. Block Executive Officer, Block Lormi, District- Mungeli, Chhattisgarh

---- Respondent**And****WPS No. 1740 Of 2017**

- Smt. Lata Dhurve W/o Dwarika Singh Dhurve, Aged About 43 Years R/o Village Taktoriya, Tahsil Pandariya, District Kabirdham (Chhattisgarh)

---- Petitioner**Vs**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh).

5. Block Executive Officer, Block Pandariya, District Kabirdham (Chhattisgarh).

---- Respondent

And

WPS No. 1726 Of 2017

- Krishna Kumar Miri S/o Tirath Ram Miri, Aged About 38 Years R/o Village Birkona, Tahsil Pandariya, District Kabirdham (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh)
4. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh)
5. Block Executive Officer, Block Pandariya, District Kabirdham (Chhattisgarh).

---- Respondent

And

WPS No. 1721 Of 2017

- Shyama Devi Sahu D/o Shri Gopiram Sahu, Aged About 30 Years R/o Village Phulwari, Tahsil Lormi, District Mungeli (Chhattisgarh).

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli

(Chhattisgarh).

5. Block Executive Officer, Block Lormi, District Mungeli (Chhattisgarh).

---- Respondent

And

WPS No. 1727 Of 2017

- Nailuram Sahu S/o Panchram Sahu, Aged About 32 Years R/o Village Chhirpani, Tahsil Pandariya, District Kabirdham (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh).
5. Block Executive Officer, Block Pandariya, District Kabirdham (Chhattisgarh).

---- Respondent

And

WPS No. 1724 Of 2017

- Bodhan Ram Sahu S/o Salik Ram Sahu, Aged About 40 Years R/o Gram Panchayat Khudiya, Tahsil Lormi, District Mungeli (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).

4. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli (Chhattisgarh)
5. Block Executive Officer, Block Lormi District Mungeli (Chhattisgarh)

---- Respondent

And

WPS No. 1713 Of 2017

- Bhagwat Prasad Mahilange S/o Udhoram Mahilange, Aged About 43 Years R/o Gram Birkona, Gram Panchayat Keshli Godan, Tahsil Pandariya, District Kabirdham (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh).
5. Block Executive Officer, Block Pandariya, District Kabirdham (Chhattisgarh).

---- Respondent

And

WPS No. 1728 Of 2017

- Amrit Lal Sahu S/o Amarnath Sahu, Aged About 32 Years R/o Village Mangli, Tahsil Pandariya, District Kabirdham (Chhattisgarh).

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh).
5. Block Executive Officer, Block Pandariya, District Kabirdham (Chhattisgarh).

---- Respondent

And

WPS No. 1735 Of 2017

- Lalji Yadav S/o Banela Yadav, Aged About 39 Years R/o Village Phulwari, Tahsil Lormi, District Mungeli (Chhattisgarh)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, 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, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
4. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli (Chhattisgarh)
5. Block Executive Officer, Block Lormi District Mungeli (Chhattisgarh)

---- Respondent

For Petitioners	:	Shri KP Sahu, Advocate
For Respondents-State	:	Shri YS Thakur, Addl. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/04/2017

1. The Petitioners were earlier temporarily engaged to work as Teachers in the school run by Janbhagidari Samiti. They were 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 Petitioners have been dispensed with and regular teacher to teach in that school has already been appointed.

2. The Petitioners have filed these writ petitions claiming that the State Government be directed to absorb the services of the Petitioners in which they were 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 Petitioners 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 Petitioners are at liberty to apply for the said post and to appear in accordance with law.
6. With the aforesaid observation, all the writ petitions stand disposed of.
No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra