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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1572 of 2017**

1. Nasreen Begam D/o Late Abdul Mazid Khan, Aged About 51 Years Occupation-BRP (Block Resource Person), Office Of Block Resource Center Rajiv Gandhi Shiksha Mission, Courinbhata, Rajnandgaon, R/o Kanchanbagh, House No. 111 Ward No. 31, Rajnandgaon, District Rajnandgaon (Chhattisgarh) PIN 491441

----- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, School Education Department, Mantralay, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Mission Director, Office Of State Project, Rajiv Gandhi Shiksha Mission, Chhattisgarh, Raipur (Chhattisgarh)
3. Collector And District Mission Director Rajiv Gandhi Shiksha Mission District Rajnandgaon (Chhattisgarh)
4. Chief Executive Officer, Jila Panchayat, District Project Director, Rajiv Gandhi Shiksha Mission, Rajnandgaon, District Rajnandgaon (Chhattisgarh)
5. District Education Officer, District Project Coordinator, Rajiv Gandhi Shiksha Mission, Rajnandgaon, District Rajnandgaon (Chhattisgarh)
6. Block Source Coordinator, Rajiv Gandhi Shiksha Mission District Rajnandgaon (Chhattisgarh)

----- Respondent**And****WPS No. 1979 Of 2017**

1. Gajendra Sahu S/o Shri Gopal Prasad Sahu Aged About 28 Years BRP (CWSN), BRC Kansabel, District Jashpur And

R/o Village Katadih, Post Shankar Nagar Raipur, Chhattisgarh

2. Smt. Lata Kosare W/o Shri Shantilal Aged About 35 Years BRP (CWSN), BRC Kunkuri, District Jashpur & R/o Thanapara, Mochi Gali Champa, District Janjgir-Champa, Chhattisgarh
3. Ku. Megha Dubey D/o Shri Chandrashekhar Dubey Aged About 24 Years BRP (CWSN), BRC, Jashpur And R/o Baniyapara, Ratanpur, District Bilaspur, Chhattisgarh
4. Domar Nishad S/o Bhanu Pratap Nishad Aged About 27 Years BRP (CWSN), BRC Duldula, District Jashpur And R/o Village And P.O. Ghora, Block Pithora, District Mahasamund, Chhattisgarh
5. Prabhakant Saroj S/o Shri Akhilesh Saroj Aged About 25 Years BRP (CWSN), BRC Farsabahar, District Jashpur And R/o Village & Post Farsabahar, Tahsil Farsabahar, District Jashpur, Chhattisgarh
6. Satyaprakash Paikara S/o Shri Umeshwar Singh Paikara Aged About 28 Years BRP (CWSN), BRC Sarangarh, District Raigarh And R/o Village Rajani, Po Baijnathpur, Tahasil Bhaiyathan, District Surajpur, Chhattisgarh
7. Smt. Meena Kushwaha W/o Dinesh Kushwaha Aged About 28 Years BRP (CWSN), BRC Wadrafnagar And R/o Gonthiyapara, Wadrafnagar District Balrampur Ramanujganj, Chhattisgarh

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Mission Director, Rajeev Gandhi Shiksha Mission, Chhattisgarh Raipur, Chhattisgarh
3. Collector-Cum-District Mission Director, Rajeev Gandhi Shiksha Mission, District Raipur, Chhattisgarh

4. Collector-Cum-District Mission Director, Rajeev Gandhi Shiksha Mission, District Jashpur, Chhattisgarh
5. Collector-Cum-District Mission Director, Rajeev Gandhi Shiksha Mission, District Raigarh, Chhattisgarh
6. Collector-Cum-District Mission Director, Rajeev Gandhi Shiksha Mission, District Balrampur-Ramanujganj, Chhattisgarh
7. District Education Officer-Cum-District Project Coordinator, Raipur, Chhattisgarh
8. District Education Officer-Cum-District Project Coordinator, Jashpur, Chhattisgarh
9. District Education Officer-Cum-District Project Coordinator, Raigarh, Chhattisgarh
10. District Education Officer-Cum-District Project Coordinator, Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

And

WPS No. 3388 Of 2017

1. Bibiyani Barwa D/o Shri Helarious Barwa, Aged About 26 Years B R P (I E D), B R C Balrampur, District Balrampur-Ramanujganj And R/o Balrampur, Chhattisgarh
2. Amardev Yadav S/o Shri Lakshman Yadav, Aged About 32 Years B R P (C W S N), B R C Balrampur, District Balrampur And R/o Balrampur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh
2. Mission Director, Rajeev Gandhi Shiksha Mission, Chhattisgarh, Raipur, Chhattisgarh

3. Collector Cum District Mission Director, Rajeev Gandhi Shiksha Mission, Balrampur-Ramanujganj, Chhattisgarh
4. District Education Officer-Cum-District Project Coordinator Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For respective	Shri Ashish Shrivastava, Shri R.K.
Petitioners	Sharma & Shri Soumya Rai, Advocates
For Respondent/State	Shri Adiraj Surana, Dy. Govt. Adv. &
	Shri Sameer Behar, Panel Lawyer
For Respondent/RGSM	Shri A.S. Kachhawaha, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/11/2017

1. Petitioners would assail either the order terminating their services as Block Resource Person (BRP) or the intended action, which the respondents are likely to take for terminating their services in terms of the State Government's instructions dated 23-2-2017 & 23-3-2017.
2. The facts of the case, as gathered from the documents made available to the Court, are that in a recruitment process initiated by issuing the advertisement dated 8-9-2009 or on other dates by different recruiting agency applications were invited for recruitment of Mobile Resource Advisers (MRA). For such appointment, the candidate was required to possess the educational qualification of 12th standard pass, diploma or

degree concerning the education of visually handicapped, hearing impaired or mentally handicapped. Domicile of Chhattisgarh was to be given preference and person appointed shall be required to work at least for 15 days in a month. The candidate must have registered himself with the Rehabilitation Council of India (RCI).

3. Undeniably all the petitioners were appointed, as they were presumably having the qualification as sought for in the advertisement because there was no complaint against any one of them that they do not possess the qualification yet they have been appointed.
4. In due course the Rajiv Gandhi Shiksha Mission (RGSM) issued the circular dated 14-7-2014, *inter alia*, mentioning that the nature of job and the qualification for the post of MRA and BRP are same, therefore, separate appointments have not been made on these posts. The working MRA should be deemed to work as BRP and shall be paid salary/wages/honorarium from the fund sanctioned under the head BRPs. It was also mentioned that such MRAs who have been removed for non-availability of budgetary allocation shall be granted preference in the matter of appointment of BRPs.

5. The State Government, thereafter, issued communication dated 23-2-2017 (Annexure – P/1 in WPS No.1979 of 2017) sanctioning posts of BRP, BRP (inclusive education), Accountant, MIS Coordinator and Data Entry Operator. It was directed in this letter that the senior most BRP working at the block level shall be retained and the remaining BRP shall be sent to the original school and also that in such blocks where more than one BRP are working, on contract basis, they shall be adjusted in the different block to ensure that every block shall have only one BRP.
6. Based on this letter, the RGSM issued letter dated 23-3-2017 directing that the contract service of such BRPs who are not possessing the requisite eligibility criteria shall not be renewed.
7. It appears, after issuance of these two orders (Annexures – P/1 & P/2 in WPS No.1979 of 2017) the impugned action/order has been passed by the respective Collector-cum-District Mission Director, RGSM terminating the services on the ground that they do not possess the requisite qualification as per the RCI norms.

8. Admittedly, none of the petitioners have been provided any opportunity of hearing informing them as to what are the norms laid down by the RCI, which they are required to possess and by issuing any show cause notice as to why their services may not be terminated for not having those qualifications.
9. It is also to be noticed that in the circular dated 14-7-2014 it is mentioned that the norms laid down by the RCI for the appointment of MRA & BRP are same, therefore, unless the petitioners are informed about any qualification, which was required to possess under the RCI norms, their appointment made pursuant to the recruitment process would hold good for their continuance on the post of BRP as per the policy decision taken by the State and RGSM.
10. Be that as it may, since the petitioners have not been provided any opportunity of hearing, the writ petitions deserve to be allowed on the ground of violation of principles of natural justice.
11. In view of the above, the impugned orders terminating the petitioners' services are set aside. However, liberty is reserved in favour of the respondent State/RGMS, if they so

desire, to scrutinise the cases of each of the petitioner so as to ensure that they fulfill the norms laid down for the post of BRP. In course of the said scrutiny, the petitioners, who are presently working on the strength of interim order, shall be provided proper and adequate opportunity of hearing clearly mentioning the reasons for the scrutiny and the documents needed therefor. In the event, the RGSM desires to take any adverse action against any of the petitioners, it shall provide proper opportunity of hearing to the candidates before taking such adverse action.

12. As an upshot, all the writ petitions are allowed in the manner indicated above.
13. No order as to costs.

Sd/-

Judge
Prashant Kumar Mishra

Gowri