

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7004 of 2017

1. Nathiniyal Lakra S/o Shri Anand Mishah, Aged About 59 Years Presently Working As Chowkidar At B. L. Higher Secondary School Bandarchuan, Tahsil Kunkuri, District Jashpur Chhattisgarh
2. Prabhu Charan Kujur, S/o Shri Silas Kujur, Aged About 45 Years Presently Working As Peon At B. L. Higher Secondary School Bandarchuan, Tahsil Kunkuri, District Jashpur Chhattisgarh
3. Saihun Kerketta, S/o Shri Kushal Kerketta, Aged About 50 Years Presently Working As Peon At B. L. Higher Secondary School Bandarchuan, Tahsil Kunkuri, District Jashpur Chhattisgarh
4. Khrist Kain Minj S/o Shri Prem Chand Minj Aged About 55 Years Presently Working As Peon At B. L. Higher Secondary School Bandarchuan, Tahsil Kunkuri, District Jashpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary School Education Department Mahanadi Bhawan New Raipur Chhattisgarh
2. The Collector Jashpur District Jashpur Chhattisgarh
3. District Education Officer, Jashpur District Jashpur Chhattisgarh
4. The Principal B. L. Higher Secondary School Bandarchuan, Tahsil Kunkuri, District Jashpur Chhattisgarh

---- Respondent

And

WPS No. 7005 Of 2017

1. Ishwar Daan Xaxa S/o Shri A.Thor Xaxa, Aged About 55 Years Presently Working As Peon At Luthran Higher Secondary School Sarhapani, Tahsil - Kansabel District Jashpur, Chhattisgarh.
2. Uttam Daan Ekka, S/o Shri Ilyasor Ekka, Aged About 49 Years Presently Working As Peon At Luthran Higher Secondary School Sarhapani, Tahsil Kansabel District Jashpur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through: The Secretary, School Education, Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Collector Jashpur, District Jashpur, Chhattisgarh.
3. District Education Officer Jashpur, District Jashpur, Chhattisgarh.
4. The Principal, Luthran Higher Secondary School Sarhapani, Tahail Kansabel, District Jashpur, Chhattisgarh.

---- Respondent

And

WPS No. 7026 Of 2017

1. Ajub Bada, S/o Shri Urbanus Bada, aged about 40 years, presently working as peon at Luthran Higher Secondary School Ichkela, Post Ichkela, Tashil Jashpur, District Jashpur C.G.
2. Niranjana Lakra, S/o Late Shri Nirmal Lakra, aged about 54 years, Presently working as Peon at Luthran Higher Secondary School Ichkela. Post Ichkela, Tahsil Jashpur District Jashpur C.G.

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary School Education Department, Mahanadi Bhawan, New Raipur

C.G.

2. The Collector Jashpur, District Jashpur C.G.
3. District Education Officer, Jashpur, District Jashpur C.G.
4. The Principal Luthran Higher Secondary School Ichkela,
Tahsil Jashpur District Jashpur C.G.

---- Respondent

For Petitioners	Shri Somkant Verma, Advocate.
For Respondents/State	Shri R.K. Mishra, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/12/2017

1. Learned counsel for the petitioners would submit that the petitioners are working as Peon prior to 31.12.1997, therefore, their cases were considered and they were regularized. However, the said order of regularization was withdrawn on 28.09.2012. Challenging this order the petitioners had preferred WPS No. 1856 of 2015 and other writ petitions in which petitioners were not granted any relief, however, it was observed that the disposal of the writ petitions would not preclude the respondents' authority in considering the case of the petitioners afresh.
2. On the above basis, Shri Somkant Verma, learned counsel for the petitioners would submit that the respondents should have considered the petitioners' representation for regularization afresh, but despite lapse of more than two years period such consideration has not

been made on the basis of State Government's circular 05.03.2008.

3. Considering the entire facts situation of the case, the writ petition is disposed of with a direction that in the event, petitioners prefer a fresh representation with a 4 weeks to seek regularization of their services on the strength of State Government's circular dated 05.03.2008, the competent authority shall consider and decide the representation by speaking order, at the earliest, preferably within a period of 4 weeks from the date of representation.
4. The writ petitions are accordingly disposed of.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge
Prashant Kumar Mishra

Akhilesh