

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1356 of 2017

Pothee Ram Yadav S/o Mohan Ram Yadav, aged about 38 years, R/o village Rahmankapa, Tehsil Pandariya, District Kabirdham (CG).

---- 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, Distirct Raipur, Chhattisgarh
3. Director, Public Instruction, Indrawati Bhawan, New Raipur District Raipur (Chhattisgarh)
4. Chief Executive Officer, Zila Panchayat, Kabirdham District Kabirdham (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat, Pandariya, District Kabirdham (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri KP Sahu, Advocate.
For Respondent/State	:	Shri SP Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/03/2017

1. The Petitioner was earlier temporarily engaged to work as a Teacher in the school run by Janbhagidari Samiti. He was 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 Petitioner have been dispensed with and regular teacher to teach in that school has already been appointed.
2. Now the Petitioner has filed this writ petition on 9.3.2017 claiming that the State Government be directed to absorb the services of the Petitioner in which he was 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 Petitioner 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 Petitioner is at liberty to apply for the said post and to appear in accordance with law.
6. With the aforesaid observation, the writ petition stands disposed of. No order as to costs.

Sd/-

(P.Sam Koshy)
Judge

inder