

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4124 OF 2009**

Smt. Shubha Tiwari, W/o Shri Shirish Tiwari, aged about 44 years, R/o C/o Principal, Govt. High School, Tilak Nagar, Gudhiyari, Raipur (C.G.)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Department of School Education, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Director of Public Instructions, Pension Bada, Bairon Bazar, Raipur (C.G.)
3. District Education Officer, Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate.
For Respondent-State	:	Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/07/2018

1. The issue involved in the instant case is that the past service rendered by the Petitioner in the Tribal Welfare Department has not been considered for the purpose of grant of seniority.
2. Learned Counsel appearing for either side fairly submitted that the issue involved in the instant case stands squarely covered by a decision of the Division Bench of this Court in **Writ Appeal No. 475 of 2016 (Smt. Reeta Singh v. State of Chhattisgarh & Others)** and analogous appeals decided on 29.10.2015.
3. Given the fact that the Petitioner also initially was appointed in the Tribal Welfare Department and subsequently has been transferred to the School Education Department, in the light of the decision the Division Bench in **Smt. Reeta Singh** (supra) nothing further remains to be adjudicated upon in the matter and the writ petition therefore deserves to be and is accordingly allowed in terms of the decision rendered in the case of **Smt. Reeta Singh** (supra). The view of this Court stands further fortified from a decision rendered by the Hon'ble Supreme Court in the case of **Dwijen Chandra Sarkar v. Union of India, 1999 (2) SCC 199**.
4. It is directed that for the purpose of length of service, the past service rendered by the Petitioner in the Tribal Welfare Department shall also be reckoned with.

5. The writ petition accordingly stands allowed and disposed of, with consequential relief to follow.

Sd/-
(P. Sam Koshy)
Judge

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