

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.535 OF 2018**

Sudhir Kumar Dubey S/o Shri Radheshyam Dubey, Aged About 53 Years Presently Posted As Assistant Teacher Vocational Education Nagar Nigam In Government Multipurpose School, Nagar Nigam Bilaspur, District Bilaspur, R/o 36/428 Manjir Chhaon Near Mama Bhanja Talab, Tikrapara Bilaspur District Bilaspur Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. Under Secretary, Urban Administration And Development Department, Naya Raipur District Raipur Chhattisgarh.
3. Commissioner, Nagar Nigam Bilaspur Chhattisgarh.
4. District Education Officer, Bilaspur, District Bilaspur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Mateen Siddique, Advocate.
For State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/05/2018**

1. The grievance of the petitioner is that he is a Teacher appointed under Urban Administration Department and that he is substantively a Teacher of Municipal Corporation and not a Teacher belonging to School Education Department.
2. Learned counsel for the petitioner submits that the initial appointment of the petitioner was that of a Part Time Teacher. Subsequently he was granted regular appointment by the Urban Administration Department vide order dated 08.10.2008. According to him, while granting appointment, the Chhattisgarh Nagar Palika Shiksha Karmi (Recruitment and Condition of Service) Rules, 2008 (in short, the Rules, 2008) was relaxed. He also referred to document dated 25.04.2011 (Annexure P/4) which again was a order of the School Education Department whereby it has been held that the part time Teachers engaged till 1988-89, for them

for the recruitment to the post of Shiksha Karmi Grade-III, Shiksha Karmi Recruitment Rules, 2007 would stand relaxed. Thus, the petitioner would be entitled for the relaxation from undertaking any B.Ed./D.Ed. course as has been insisted by the School Education Department vide order dated 10.08.2017 (Annexure P/1), which is under challenge in the present writ petition.

3. A perusal of record shows that the petitioner has not filed any representation nor has raised any objection before the School Education Department apprising the authorities concerned that the said requirement would not be applicable so far as the petitioner and other similarly placed persons are concerned in the light of relaxation clause which they are otherwise entitled for under the rules.
4. Given the aforesaid facts and circumstances of the case, let the petitioner make a representation/objection to the respondent No.1 within a period of 10 days from today and on such representation being made, the respondent No.1 in turn is directed to ensure that the said representation is decided on its on merit in accordance with rules and guidelines governing the service conditions of the petitioner within a further period of 45 days.
5. Considering the facts and circumstances of the case, till the respondent No.1 decides the representation of the petitioner, if he makes representation within 10 days, no coercive steps shall be taken against the petitioner insisting for undertaking B.Ed./D.Ed. Course.
6. With the aforesaid, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge