

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Judgment Reserved on: 23/10/2018****Judgment Delivered on : 07/12/2018****Writ Appeal No. 14 of 2017***(Arising out of common order dated 02.01.2017 passed by the Learned Single Judge in Writ Petition (S) No. 2462 of 2014 & other connected matters)*

1. Gopi Sao S/o. Shri B. P. Sao, Aged About 40 Years Presently Posted As Lecturer, Government Polytechnic Janjgir, District Janjgir Chhattisgarh
2. B. S. Kanwar, S/o. Shri Phulsai Kanwar, Aged About 36 Years Presently Posted As Lecturer, Government Polytechnic Raigarh, District Raigarh Chhattisgarh
3. H. C. Pandey, S/o. Shri Jagannath Pandey, Aged About 42 Years Presently Posted as Lecturer, Government Polytechnic Raigarh, District Raigarh Chhattisgarh
4. Smt. S. Sintholey, W/o. Shri Manish Sintholey, Aged About 36 Years Presently Posted As Lecturer, Government Polytechnic Durg, District Durg Chhattisgarh
5. U. Gupta D/o. Shri B. N. Gupta, Presently Posted As Lecturer, Government Polytechnic Rajnandgaon, District Rajnandgaon Chhattisgarh
6. Vandana Tirkey D/o. Shri Rainu Tirkey, Presently Posted As Lecturer, Government Polytechnic Durg, District Durg Chhattisgarh
7. Baba Martandya Prasad, S/o. Shri Uma Shankar, Aged About 36 Years Presently Posted As Lecturer, Government Engineering, Bilaspur, District Bilaspur Chhattisgarh
8. Sudhir Kumar Pandey, S/o. Shri M. S. Pandey, Aged About 37 Years Presently Posted As Lecturer, Government Polytechnic Takhatpur, District Bilaspur Chhattisgarh
9. Ashish Saggar, S/o. Shri K. D. Saggar, Aged About 40 Years Presently Posted As Lecturer, Government Polytechnic College, Takhatpur, District Bilaspur Chhattisgarh
10. Smt. Rashmi Swami W/o. Shri Rajeev Swami, Aged About 36 Years Presently Posted As Lecturer, Government Girls Polytechnic College, Raipur, District Raipur Chhattisgarh

11. Smt. Nidhi Shukla, W/o Dr. Neeraj Shukla, Aged About 47 Years Presently Posted As Lecturer, Government Girls Polytechnic College, Raipur District Raipur Chhattisgarh
12. Smt. Saraddha Tiwari, W/o. Shri Lokesh Tiwari, Aged About 39 Years Presently Posted As Lecturer, Government Girls Polytechnic College Raipur, District Raipur Chhattisgarh
13. Smt. Alka Tiwari, W/o. Professor Kishore Kumar Tiwari, Aged About 43 Years Presently Posted As Lecturer, Government Girls Polytechnic College Raipur, District Raipur Chhattisgarh
14. Santosh Singh, S/o. Shri Rambadan Singh, Aged About 42 Years Presently Posted As Lecturer, Government Polytechnic College Ambikapur, District Surguja Chhattisgarh
15. S. K. Gajendra, S/o. Shri R. Gajendra, Aged About 50 Years Presently Posted As Lecturer, Government Polytechnic College Dhamtari District Dhamtari Chhattisgarh
16. Vikas Chopra, S/o. Shri Prem Chand Chopra, Aged About 47 Years Presently Posted As Lecturer, Government Polytechnic College Dhamtari District Dhamtari Chhattisgarh
17. Kishore Sahu, S/o. Dr. (Shri) G. R. Sahu, Aged About 45 Years Presently Posted As Lecturer, Government Polytechnic College Durg, District Durg Chhattisgarh
18. Abhijat Shukla, S/o. Shri Ashok Shukla, Aged About 40 Years Presently Posted As Lecturer, Government Polytechnic College Mahasamund, District Mahasamund Chhattisgarh
19. Mrutyunjaya Satpathi, S/o. Shri Dhananjay Satpathi, Aged About 40 Years Presently Posted As Lecturer, Government Polytechnic College Raipur, District Raipur Chhattisgarh
20. Smt. Meenu Agrawal, W/o Shri Anand Agrawal, Aged About 42 Years Presently Posted As Lecturer, Government Polytechnic College Raipur, District Raipur Chhattisgarh
21. Tanmay Shrivastava, S/o. Shri G. L. Shrivastava, Aged About 44 Years Presently Posted As Lecturer, Government Engineering College Jagdalpur, District Bastar Chhattisgarh

---- Appellants

Versus

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Technical Education, Manpower And Planning Department, Mahanadi Bhawan, Mantralay, Naya Raipur, P. S. Rakhi, Chhattisgarh.

2. The Director, Directorate of Technical Education, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. The Chhattisgarh Public Service Commission, Through The Secretary, C G, P.S.C. Raipur, Chhattisgarh.
4. Manmohan Singh Kurrey, S/o. Late Shri M. R. Kurre, Aged About 36 Years Presently Posted As Lecturer, Govt. Engineering College Bilaspur, District Bilaspur Chhattisgarh
5. G. Rajesh Kumar, S/o. Shri G. Krishna Kumar, Aged About 43 Years Presently Posted As Lecturer, Govt. Polytechnic College Jagdalpur, District Bastar Chhattisgarh
6. Tejendra Prasad Singh, S/o. Shri S. P. Grewal, Aged About 37 Years Presently Posted As Lecturer, Govt. Engineering College, Jagdalpur, District Bastar Chhattisgarh
7. Prabhakar Mishra, S/o. Shri D. D. Mishra, Aged About 42 Years Presently Posted As Lecturer, Govt. Engineering College, Jagdalpur, District Bastar At Jagdalpur, Chhattisgarh
8. A. M. Bose, S/o. Shri A. C. Bose, Aged About 41 Years Presently Posted As Lecturer, Govt. Polytechnic College, Jagdalpur, District Bastar Chhattisgarh
9. Toshan Kumar Shrivastava, Lecturer Maths, Government Polytechnic Khairagarh, District- Rajnandgaon, Chhattisgarh
10. Lalita Pandey, Lecturer English, Govt. Co-Polytechnic, College, Bilaspur, District Bilaspur, Chhattisgarh
11. Smita Sonpipre, Lecturer, Mom, Government Girls Poly, Rajnandgaon, District Rajnandgaon, Chhattisgarh
12. Indu Prabha Kavar, Lecturer Chemistry, Government Poly. Janjgir-Champa, District Janjgir-Champa, Chhattisgarh
13. Danuj Kumar Markam, Assistant Professor, Chemistry. GEC Raipur, District Raipur, Chhattisgarh
14. Priyanka Singh, Lecturer Chemistry, Government Polytechnic, Durg, District- Durg, Chhattisgarh
15. Surendra Singh Gautam, Lecturer, Et And T, Government Girls Poly., Gariyaband, District Gariyaband, Chhattisgarh
16. Sakshi Kala Singh, Lecturer, Et And T, Government Girls Poly., Bilaspur, District Bilaspur, Chhattisgarh
17. Monika Jain, Lecturer, Chemistry, Government Poly., Bhatapara, District Baloda Bazar- Bhatapara, Chhattisgarh
18. Nisha Tilwani, Lecturer, Et And T, Government Poly., Kanker, District Kanker, Chhattisgarh

19. Anjali Jain, Lecturer, CDDM, Government Girls Poly., Raipur, District Raipur, Chhattisgarh
20. Bhuneshwar Prasad, Lecturer, MOM, Government Poly.,durg, District Durg, Chhattisgarh
21. Deeksha Tiwari, Lecturer, English, Government Girls Poly., Rajnandgaon, District Rajnandgaon, Chhattisgarh
22. Swati Singh, Lecturer, Pharmacy, Government Girls Poly., Raipur, District- Raipur, Chhattisgarh
23. Humika Tamrakar, Lecturer CDDM, Government Girls Poly., Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondents

Writ Appeal No. 11 of 2017

Dr. Rani Pushpa Baghel W/o. S. K. Baghel, Aged About 41 Years
R/o House No. 69/503, Gayatari Nagar, Danganiya, Raipur
Chhattisgarh, District Raipur Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Technical Education, Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Chhattisgarh.
2. The Director, Directorate of Technical Education, Raipur, Chhattisgarh.
3. The Public Service Commission, Through The Secretary, P S C, Raipur, Chhattisgarh.
4. Ramnarayan Dewangan, Asstt. Professor Math, GEC, Bilaspur, Chhattisgarh

---- Respondents

Writ Appeal No. 49 of 2017

Sanjeev Kumar Singh S/o Shri Rajnarayan Singh, Aged About 42 Years
R/o Namnakala, Ambikapur, District Sarguja Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Technical Education, Manpower And Planning

Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi Chhattisgarh.

2. The Director, Directorate of Technical Education, Indravati Bhawan, Naya Raipur, P. S. Rakhi, Distt. Raipur Chhattisgarh.
3. The Chhattisgarh Public Service Commission, Through The Secretary, C.G., P. S. C. Raipur, Chhattisgarh.
4. Amit Kumar, Lecturer Mining, Government Poly, Ambikapur, District-Surguja, Chhattisgarh

---- Respondents

Writ Appeal No. 12 of 2017

Smt. Madhumalini John W/o Shri Somesh Kumar John, Aged About 39 Years R/o B- 102, Siyaram Apartment, Opposite to City Mall, Mangla Chowk, Bilaspur, District Bilaspur, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh
2. Director, Directorate of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur Chhattisgarh
4. Principal, Govt. Girls Polytechnic College, Koni, Bilaspur Chhattisgarh
5. Principal, Govt. Polytechnic College, Korea, Baikunthpur Chhattisgarh
6. Smt. Babita Yadav, W/o Shri Mrityunjay Yadav, Aged About 30 Years R/o Ring Road No. 2, Shanti Nagar, Bilaspur, District Bilaspur Chhattisgarh,
7. Rajni Mandal, Lecturer Chemistry, Government Polytechnic College, Sukma, District- Sukma, Chhattisgarh

---- Respondents

Writ Appeal No. 13 of 2017

Dr. Avinash Kumar Tripathi S/o Shri Shiv Sagar Tripathi, Aged About 42 Years R/o House No. F- 10, Government Engineering College Colony, Dharampura, Police Station Jagdalpur, Jagdalpur, District Bastar, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur Chhattisgarh
4. Principal, Govt. Engineering College, Jagdalpur, District Bastar Chhattisgarh
5. Ashok Kumar, Asstt. Professor English, GEC, Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 18 of 2017

Dr. Kishwar Khan D/o Mohd Akram Khan, Aged About 43 Years Working As Lecturer, English, Govt. Polytechnic College, Durg, Distt. Durg, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Technical Education, Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, Distt Raipur, Chhattisgarh
2. The Director, Directorate Of Technical Education, Byron Bazar, Raipur Chhattisgarh
3. The Public Service Commission, Through The Secretary, P. S. C. Raipur Chhattisgarh
4. Shameena Bano, Lecturer English, Govt. Co-Polytechnic, College, Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 19 of 2017

Ku. Shalini Gupta D/o Shri K.P. Gupta Aged About 31 Years
Occupation- Service, Lecturer- Mechanical Hod, Korodimal
Polytechnic College, Raigarh, District- Raigarh, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary Department Of Technical Education, Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh,
2. The Director, Directorate Of Technical Education, Raipur, Chhattisgarh
3. The Public Service Commission, Through The Secretary, P.S.C. Raipur, Chhattisgarh.
4. The Principal, Government Polytechnic College, Raigarh, District- Raigarh, Chhattisgarh

---- Respondents

Writ Appeal No. 20 of 2017

1. Vinod Kumar Joshi S/o Shri Dev Kumar Joshi, Aged About 28 Years Presently Posted As Lecturer, At Government Polytechnic College, Korba, Distt Korba, Chhattisgarh
2. Mohd Irfan Khan, S/o Mohd Islam Khan, Aged About 33 Years Presently Posted As Lecturer, At Minimata Girls Polytechnic, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh
3. Nilima Janardan, D/o Shri H. P. Janardan, Aged About 33 Years Presently Posted As Lecturer, At Govt. Girls Polytechnic, Raipur, Distt. Raipur, Chhattisgarh
4. Jitendra Singh Chandra, S/o Shri Gulab Singh Chandra, Aged About 27 Years Presently Posted As Lecturer, Government Engineering College, Raipur, Distt. Raipur Chhattisgarh
5. Prashant Sharma, S/o Shri G. L. Sahu, Aged About 29 Years Posted As Lecturer, Minimata Girls Polytechnic College, Rajnandgaon, Distt Rajnandgaon, Chhattisgarh
6. Rakesh Kumar, S/o Shri Mantu Ram, Aged About 28 Years Presently Posted As Lecturer, Government Polytechnic Khairagarh, Distt. Rajnandgaon, Chhattisgarh

7. Ruman Singh Chandrawanshi, S/o Shri Shiv Kumar Chandrawanshi, Aged About 28 Years Presently Posted As Lecturer, Govt. Polytechnic Korea, Distt. Korea, Chhattisgarh
8. Roshin Tirkey, W/o Shri Anand Prakash Tirkey, Aged About 29 Years Presently Posted As Lecturer, Government Polytechnic Kabirdham, Distt. Kabirdham, Chhattisgarh
9. Shresh Gupta, S/o Rajesh Kumar Gupta, Aged About 29 Years Presently Posted At Govt. Polytechnic College, Ambikapur, Distt. Surguja, Chhattisgarh
10. Jitendra Kumar Dewangan, S/o Shri Radheshyam Dewangan, Aged About 32 Years Presently Posted As Lecturer, Govt. Girls College, Raipur, Distt. Raipur, Chhattisgarh
11. Paleshwar Singh Patel, S/o Shri Dashrath Prasad Patel, Aged About 34 Years Presently Posted As Lecturer, B R P Govt. Polytechnic Dhamtari, Distt. Dhamtari, Chhattisgarh
12. Suryakant Sinha, S/o Hira Lal Sinha, Aged About 31 Years Presently Posted As Lecturer, B R P Government Polytechnic College, Dhamtari, Distt. Dhamtari, Chhattisgarh
13. Awantika Vishwakarma, D/o Shri R. V. Vishwakarma, Aged About 37 Years Presently Posted As Lecturer, Government Engineering College, Raipur, Chhattisgarh
14. Meenu Sahu, D/o Late Jivkaran Sahu, Aged About 32 Years Presently Working As Lecturer, Govt. Engineering College, Raipur, Distt. Raipur, Chhattisgarh
15. Shanti Rathore, W/o Shri Navnit Singh Rathore, Aged About 30 Years Presently Working As Lecturer, Govt Polytechnic Takhatpur, Distt. Bilaspur, Chhattisgarh
16. Raviprakash Pal, S/o Shri Hira Lal Prasad, Aged About 35 Years Presently Working As Lecturer, Govt. Polytechnic Khairagarh, Distt. Rajnandgaon Chhattisgarh
17. Reena Dewangan, D/o Shri Hemlal Dewangan, Aged About 31 Years Presently Working As Lecturer, Govt. Polytechnic Khairagarh, Distt. Rajnandgaon, Chhattisgarh
18. Anjani Naik, W/o Shri R.J. Naik, Aged About 30 Years Presently Working As Lecturer, Kirodimal College, Raigarh, Distt. Raigarh, Chhattisgarh
19. Dheeraj Agrawal, S/o Shri Kanti Lal Agrawal, Aged About 36 Years Presently Working As Lecturer, Govt. Polytechnic College Durg, Distt. Durg, Chhattisgarh

20. Khusbu Sharma, D/o Shri Prem Chand Sharma, Aged About 25 Years Presently Working As Lecturer, Govt. Polytechnic College Durg, Distt. Durg, Chhattisgarh
21. Vinod Kumar Dewangan, S/o Shri Amarnath Dewangan, Aged About 26 Years Working As Lecturer, Govt. Polytechnic College, Ambikapur, Surguja Chhattisgarh
22. Satyakam Sharma, S/o Shri Suryakant Sharma, Aged About 38 Years Presently Working As Asst. Workshop Superintendent, B R P Govt. Polytechnic Rudri, Dhamtari, Distt. Dhamtari Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Technical Education, Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, Distt Raipur, Chhattisgarh
2. The Director, Directorate Of Technical Education, Raipur, Chhattisgarh
3. The Public Service Commission, Through The Secretary, P.S.C., Raipur, Chhattisgarh
4. Deepak Kumar Shrivastava, Lecturer ET And T, Govt. Polytechnic College, Dhamtari, Chhattisgarh
5. Mannu Kumar Nayak, Lecturer Mechanical, Govt. Polytechnic College, Khairagarh, District-Rajnandgaon, Chhattisgarh
6. Omkant Gupta, Lecturer ET And T, Govt. Polytechnic College, Narayanpur, Chhattisgarh
7. Neelkamal Sahu, Lecturer Electrical Govt. Polytechnic College, Sukma, Chhattisgarh
8. Pradeep Kumar Rajput, Lecturer ET And T, Govt. Polytechnic College, Durg, Chhattisgarh
9. Suman Das, Assistant Professor ET And T, Govt Engineering College, Raipur, Chhattisgarh
10. Swastika Patel, Assistant Professor Mechanical, Govt. Engineering College, Raipur, Chhattisgarh
11. Chandrakala Sahu, Lecturer ET And T, Govt. Polytechnic College, Ambikapur, District- Surguja, Chhattisgarh
12. Chandani Patel, Lecturer Metallurgy, Govt. Polytechnic College, Durg, Chhattisgarh
13. Nandini Sahu, Lecturer Computer Science, Govt. Polytechnic College, Durg, Chhattisgarh

14. Dashrath Kumar, Lecturer Computer Science, Govt. Polytechnic College, Jashpur, Chhattisgarh
15. Neha Sahu, Lecturer Computer Science Govt. Polytechnic College, Raigarh, Chhattisgarh
16. Vikas Kumar Bherpal, Lecturer Mechanical Govt. Polytechnic College, Raigarh, Chhattisgarh
17. Krishna Kumar Patel, AWS, Govt. Polytechnic College, Korba, Chhattisgarh
18. Swapnil Choubey, Lecturer ET and T, Govt. Polytechnic College, Takhatpur, District- Bilaspur, Chhattisgarh

---- Respondents

Writ Appeal No. 21 of 2017

1. Vandana Bhartendu W/o Mahfooz Arif, Aged About 39 Years R/o Rajkishore Nagar, Bilaspur, Police Station And Post Sarkanda, Civil And Revenue District Bilaspur, Chhattisgarh
2. Versha Sao, W/o Rajendra Kumar Sahu, Aged About 40 Years R/o Railway Colony, Bilaspur, Police Station And Post Tarbahar, Civil And Revenue District Bilaspur, Chhattisgarh

---- Appellants

Versus

1. State of Chhattisgarh Through Secretary, Department of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh
2. Director, Directorate of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, Chhattisgarh
4. Principal, Govt. Girls Polytechnic Koni, Bilaspur, Chhattisgarh
5. Archana, Lecturer Chemistry, Government Polytechnic, Gariyaband, District Gariyaband, Chhattisgarh

---- Respondents

Writ Appeal No. 35 of 2017

1. Tukesh Singh Thakur S/o Shri Gajanand Singh Thakur, Aged About 33 Years R/o. Government Polytechnic Khairagarh, Distt. Rajnandgaon Chhattisgarh
2. Ashish Kumar Jambulkar, S/o Shri Ganga Ram Jambulkar, Aged About 29 Years R/o Station Para, Ward No. 13, Teachers Colony, Rajnandgaon Distt. Rajnandgaon Chhattisgarh

---- Appellants**Versus**

1. State of Chhattisgarh Through The Secretary Department Of Technical Education, Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, P. S. Rakhi, Distt. Raipur Chhattisgarh
2. The Director, Directorate Of Technical Education, Manpower, Science And Technology, Raipur Chhattisgarh
3. The Public Service Commission, Through The Secretary, P.S.C., Raipur Chhattisgarh
4. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, Distt. Raipur Chhattisgarh
5. Rajkumar Khote Lecturer Et And T, Govt. Girls Polytechnic College, Bilaspur, Chhattisgarh

---- Respondents**Writ Appeal No. 221 of 2017**

Narayan Singh Burman S/o Late Lakhan Lal Burman, Aged About 42 Years Occupation Ex- Lecturer Contract R/o Permanent R/o Village Persia, P. O. Badra Thakur, Police Station Pathariya Civil And Revenue District Mungeli Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Department of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Director, Directorate of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur, Distt. Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, Chhattisgarh

4. Principal, Government Polytechnic Takhatpur, Police Station Takhatpur, Distt. Bilaspur, Chhattisgarh
5. Kedar Sidar, Lecturer, Physics Government Polytechnic Takhatpur, Police Station Takhatpur District Bilaspur Chhattisgarh.

---- Respondents

Writ Appeal No. 216 of 2017

1. Gaurav Vishwakarma S/o G. D. Vishwakarma, Aged About 33 Years Occupation Lecturer Contrect Computer Science, Government Engineering College Bilaspur Chhattisgarh R/o Mig - II /1 Chanderi Apartments Narmada Nagar Ring Road Bilaspur District Bilaspur Chattisgarh.
2. Pramod Kumar Tirki, S/o Late Shri Alios Tirki, Aged About 44 Years Occupation- Assistant Workshop Superintendent, Government Engineering College, Bilaspur, R/o Q.F. 14, Government Engineering College Campus, Koni, Bilaspur, District Bilaspur, Chhattisgarh

---- Appellants

Versus

1. State of Chhattisgarh Through Secretary, Department Of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, Chhattisgarh
4. Principal, Govt. Engineering College Campus, Post Office- Koni, Bilaspur, Distt Bilaspur, Chhattisgarh

---- Respondents

Writ Appeal No. 220 of 2017

1. Manoj Kumar Tiwari S/o Girijanand Tiwari, Aged About 40 Years Occupation Ex- Lecturer Contract R/o C/o Kiran Bala Goswami Naya Sarkanda, Jabdapara Gali No. 1 Bilaspur, Police Station And Post Sarkanda, Civil And Revenue District Bilaspur Chhattisgarh.
2. Sunil Kumar Viswakarama, S/o Janmajai Vishwakarma, Aged About 32 Years Occupation Lecturer Contract, R/o C/o Santosh Baghel,

Koni, Police Station And Post Koni, Civil And Revenue District Bilaspur, Chhattisgarh

3. Miss Anshumala, D/o Shri F. Ekka, Aged About 30 Years Occupation Lecturer Contract R/o Quarter No. 640, M. Q. Dipika Colony, P.O. Urja Nagar Korba, Police Station And Post Korba, Civil And Revenue District Korba, Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, Chhattisgarh
4. Principal, Govt. Girls Polytechnic Koni, Bilaspur, Chhattisgarh Govt. Engineering College Campus Post Office Koni, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

Writ Appeal No. 105 of 2017

Manish Upadhyay S/o Shri R. G. Upadhyay, Aged About 44 Years R/o A1 / A2, Kanchan Vihar Colony, Koni Bilaspur, Tahsil And District Bilaspur Chhattisgarh., Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Government of Chhattisgarh Technical Education, Man Power And Planning Department Mahanadi Bhawan, Mantralaya, Naya Raipur P. S. Rakhi Raipur Chhattisgarh.
2. The Director, Directorate Of Technical Education, Raipur, Chhattisgarh
3. The Public Service Commission, Through The Secretary, P S C, Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 92 of 2017

1. Umesh Sahu S/o Shri Mitrabhanu Sahu Aged About 28 Years R/o Village Narisinghpur, Post Jagdishpur, Block Pithora, P. S. Basana, District Mahasamund Chhattisgarh
2. Dharmesh Kumar, S/o Shri Sitaram Dewangan, Aged About 25 Years R/o Village And Post Amoda, Block Nawagarh, P. S. Nawagarh, District Janjgir Champa Chhattisgarh
3. Khagesh Kumar Sahu, S/o Shri Muldas Sahu, Aged About 24 Years R/o Dewangan Mohalla, Ward No. 13, Near Panchayat Nawagarh, Post, P. S. And Block Nawagarh, District Janjgir Champa Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Technical Education, Man Power And Planning, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur Chhattisgarh
2. The Director, Directorate Of Technical Education, Women Polytechnic Campus, Bairan Bazar, Raipur Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur Chhattisgarh
4. Government Polytechnic College, Narayanpur, Through Its Principal Tribal Rest House, Bakhrupara, Narayanpur Chhattisgarh
5. Rituraj Singh, S/o Shri S. P. Singh, Aged About 26 Years R/o Maitri Sang Road, Kumarpara, Jagdalpur, Block Jagdalpur, P. S. Jagdalpur, District Bateer Jagdalpur Chhattisgarh

---- Respondents

Writ Appeal No. 93 of 2017

Harsh Vardhan Singh Thakur S/o Late Shri Ranjan Singh Thakur Aged About 34 Years R/o Near Old C S I B Office Dharampura, Jagadalpur Distt. Bastar Jagadalpur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Technical Education, Man Power And Planning, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur Chhattisgarh
2. The Director, Directorate Of Technical Education, Raipur, Chhattisgarh

3. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur Chhattisgarh
4. Government Engineering College, Jagadalpur Through Its Principal Jagadalpur Chhattisgarh
5. George Ekka, S/o Late Shri John Ekka, Aged About 53 Years R/o Anugrah Dawan, Shanti Nagar, Jagdalpur, Police Station Bodhghat, District Bastar Jagdalpur Chhattisgarh
6. Bhupendra Kumar Yadav S/o Late Shri Shiv Kumar Yadav, Aged About 25 Years R/o Q. No. 2/29, Akashvani Colony, Jagdalpur, Distt. Bastar Jagadalpur Chhattisgarh
7. Sachin Bhakt Aged About 26 Years R/o E-2, Block Staff Colony, Dharanpura- 3, P. S. Parpa, District Bastar Jagadalpur Chhattisgarh
8. R. Vikas Reddy S/o Late Shri R. Mohan Reddy, Aged About 34 Years Jagdalpur, R/o Shubhas Ward No. 9, Near Hanuman Mandir Chowk, Bodhghat, Jagdalpur, Police Station Bodhghat, District Bastar Jagadalpur Chhattisgarh
9. Manisha Dahariya, S/o Shri Resham Lal Dahariya, Aged About 24 Years R/o 4f/2d Type, Hospital Sector, Dallirajhara, Police Station- Dallorajhara, District Balod Chhattisgarh
10. Nitesh Kumar Sharma S/o Shri Mahesh Kumar Sharma Aged About 25 Years R/o Uill, Post Koderar, Bastar District Bastar Jagadalpur Chhattisgarh

---- Respondents

Writ Appeal No. 27 of 2017

1. G. Rajesh Kumar S/o Shri G. Krishna Kumar Aged About 43 Years Presently Posted As Lecturer, Government Polytechnic College, Jagdalpur District Bastar at Jagdalpur, Chhattisgarh
2. Tejendra Prasad Singh S/o Shri S.P. Grewal Aged About 37 Years Presently Posted As Lecturer, Govt. Engineering College, Jagdalpur, District Bastar at Jagdalpur, Chhattisgarh
3. A. M. Bose S/o Shri A.C. Bose Aged About 41 Years Presently Posted As Lecturer, Govt. Polytechnic College, Jagdalpur, District- Bastar, Chhattisgarh
4. Prabhakar Mishra S/o Shri D.D. Mishra Aged About 42 Years Presently Posted As Lecturer, Govt. Engineering College, Jagdalpur, District Bastar at Jagdalpur, Chhattisgarh
5. Manmohan Singh Kurrey S/o Lt. Shri M.R. Kurre Aged About 36 Years Presently Posted as Lecturer, Govt. Engineering College, Bilaspur, District- Bilaspur, Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Technical Education, Man Power And Planning Department Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi Distt. Raipur Chhattisgarh
2. The Director, Directorate Of Technical Education, Raipur, District- Raipur, Chhattisgarh
3. The Public Service Commission, Through The Secretary, Psc, Raipur, District- Raipur, Chhattisgarh
4. Gopi Sao S/o Shri B.P. Sao Aged About 40 Years Presently Posted As Lecturer Government Polytechnic Janjgir, District Janjgir- Champa, Chhattisgarh
5. B.S. Kanwar S/o Shri Phulsai Kanwar Aged About 36 Years Presently Posted As Lecturer, Govt. Polytechnic Raigarh, District- Raigarh, Chhattisgarh
6. H.C. Pandey S/o Shri Jagannath Pandey Aged About 42 Years Presently Posted As Lecturer, Govt. Polytechnic Raigarh, District- Raigarh, Chhattisgarh
7. Smt. S. Sintholey W/o Shri Manish Sintholey Aged About 36 Years Presently Posted As Lecturer, Govt. Polytechnic, Durg, District- Durg, Chhattisgarh
8. U. Gupta D/o Shri B.N. Gupta Presently Posted As Lecturer, Govt. Polytechnic Durg, District- Durg, Chhattisgarh
9. Vandana Tirkey D/o Shri Rainu Tirkey Presently Posted As Lecturer, Govt. Polytechnic, Durg, District- Durg, Chhattisgarh
10. Baba Martandya Prasad S/o Shri Uma Shankar Aged About 36 Years Presently Posted As Lecturer, Govt. Engineering College Bilaspur, District Bilaspur, Chhattisgarh
11. Sudhir Kumar Pandey S/o Shri M.S. Pandey Aged About 37 Years Presently Posted As Lecture, Govt. Polystechnic Takhatpur, District- Bilspur, Chhattisgarh
12. Ashish Saggar S/o Shri M.S. Pandey Aged About 40 Years Presently Posted As Lecturer, Govt. Polytechnic College, Takhatpur, District Bilaspur, Chhattisgarh
13. Smt. Rashmi Swami W/o Shri Rajiv Swami Aged About 36 Years Presently Posted As Lecturer, Govt. Polytechnic College, Raipur, District- Raipur, Chhattisgarh
14. Smt. Nidhi Shukla W/o Dr. Nawal Bajpai Aged About 47 Years Presently Posted As Lecturer, Govt. Polytechnic College, Raipur, District- Raipur, Chhattisgarh

15. Smt. Sharddha Tiwari W/o Shri Lokesh Tiwari Aged About 39 Years Presently Posted As Lecturer, Govt. Polytechnic College, Raipur, District-Chhattisgarh
16. Smt. Alka Tiwari W/o Professor Kishore Kumar Tiwari Aged About 43 Years Presently Posted As Lecturer, Govt. Polytechnic College, Raipur, District- Raipur, Chhattisgarh
17. Santosh Singh S/o Shri Rambadan Singh Aged About 42 Years Presently Posted As Lecturer, Govt. Polytechnic College, Ambikapur, District- Surguja, Chhattisgarh
18. S.K. Gajendra S/o Shri R. Gajendra Aged About 50 Years Presently Posted As Lecturer, Govt. Polytechnic College, Dhamtari, District-Dhamtari, Chhattisgarh
19. Vikas Chopra S/o Shri Prem Chand Chopra Aged About 47 Years Presently Posted As Lecturer, Govt. Polytechnic College, Dhamtari, District- Dhamtari, Chhattisgarh
20. Kishore Sahu S/o Dr. (Shri) G.R. Sahu Aged About 45 Years Presently Posted As Lecturer, Govt. Polytechnic College, Durg, District- Durg, Chhattisgarh
21. Abhijat Shukla S/o Shri Ashok Shukla Aged About 40 Years Presently Posted As Lecturer, Govt. Polytechnic College, Mahasamund, District- Mahasamund, Chhattisgarh
22. Mrityunjay Satpathi S/o Shri Dhananjay Satpathi Aged About 40 Years Posted As Lecturer, Govt. Polytechnic College, Raipur, District- Raipur, Chhattisgarh
23. Smt. Meetu Agrawal D/o Shri Anand Agrawal Aged About 42 Years Presently Posted As Lecturer, Govt. Polytechnic College, Raipur, District- Raipur, Chhattisgarh
24. Tanmay Shrivastav S/o Shri G.L. Shrivastava Aged About 44 Years Presently Posted As Lecturer, Govt. Polytechnic College, Jagdalpur, District Bastar, Chhattisgarh
25. Deleted (P.K. Singh) as per Honble Court Order Dated 22.7.2016
26. Deleted (Seema Bishwas) as per Honble Court Order Dated 3.10.2016
27. Manjeet Singh Sonwani, Assistant Professor, Govt. Engineering College, Raipur, District- Raipur, Chhattisgarh
28. Anil Kumar Khatri Assistant Professor, Maths Govt. Engineering College, Raipur, District Raipur, Chhattisgarh
29. Hem Prasad Patel, Assistant Professor, Chemistry Govt. Engineering College, Bilaspur, District- Bilaspur, Chhattisgarh

30. Ganesh Ram Banjare, Assistant Professor, Physics Govt. Engineering College, Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 25 of 2017

Dr. Smt. Bhavna Nigam W/o. Deepak Nigam, Aged About 40 Years
C/o. Dr. R. C. Saxena, Vinoba Nagar, Opposite Gayatri Temple,
Bilaspur, Police Station Civil Lines, Bilaspur, Post Civil Lines, Civil
And Revenue District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur Chhattisgarh
4. Principal, Govt. Engineering College, Bilaspur, Chhattisgarh.
5. Dr. Smt. Damyanti Patel W/o Dr. R. N. Patel, Aged About 47 Years
C/o Shri G. S. Choudhari, Maa Chandrakanta Colony, Lingiyadih,
Rajkishore Nagar, Police Station Sarkanda, Post Bilaspur, Civil And
Revenue District Bilaspur Chhattisgarh
6. Archana Singhdev, Assistant Professor, English, Govt. Engineering College, Raipur, District- Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 15 of 2017

Smt. Aparna Mishra W/o Shri Ramendra Mishra, Aged About 48
Years Lecturer Civil, Uday Prasad Uday Government Polytechnic,
Durg, District Durg, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Technical Education, Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, Chhattisgarh

2. Director, Directorate Of Technical Education, 4th Floor, Third Block, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission, Through The Secretary, Public Service Commission, Shankar Nagar Road, Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 17 of 2017

Amitabh Shadangi S/o. Late Shri Gajanan Shadangi, Aged About 49 Years R/o. Ramgudi Para, Ganja Chowk, Raigarh, Civil And Revenue District Raigarh Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Technical Education, Manpower And Planning Department, Mahanadi Bhawan, Mantralay, Naya Raipur, P. S. Rakhi, Chhattisgarh.
2. The Director, Directorate Of Technical Education, Raipur Chhattisgarh
3. The Public Service Commission, Through The Secretary, P S C, Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 26 of 2017

Smt. S.P. Francis @ Priya Albert Dass W/o Shri Yogesh Albert Dass, Aged About 35 Years Lecturer, Government Engineering College, Bilaspur, District Bilaspur, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh Technical Education Man Power And Planning Department Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. The Director, Directorate Of Technical Education, Raipur, District Raipur, Chhattisgarh
3. The Public Service Commission, Through The Secretary, Public Service Commission, Raipur, District Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 22 of 2017

1. Dr. Smt. Neena Rai W/o Shri Praveen Rai, Aged About 47 Years Lecturer, Government Engineering College, Bilaspur, R/o Imlipara, Bilaspur, District Bilaspur, Chhattisgarh
2. Smt. Asha Soni, W/o Late Shri Rakesh Kumar Soni, Aged About 41 Years Lecturer, Government Engineering College, Bilaspur, R/o Qtr. No. 1/28, Rama Green City, Khamtarai Road, Bilaspur, District Bilaspur, Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Technical Education Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt Raipur Chhattisgarh
2. The Director, Directorate Of Technical Education, Govt. Girls Polytechnic Campus, Byron Bazar, Raipur, District Raipur, Chhattisgarh
3. The Public Service Commission, Through The Secretary, Public Service Commission, Shankar Nagar Road, Raipur, District Raipur, Chhattisgarh
4. Navin Kumar Verma, Assistant Professor Chemistry Government Engineering College, Koni District Bilaspur, Chhattisgarh
5. Vandana Jangde, Assistant Professor Chemistry, Government Engineering College, Sejbahar, Old Dhamtari Raod, District- Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 32 of 2017

Dr. Smt. Damyanti Patel W/o Dr. R. N. Patel, Aged About 47 Years C/o Shri G. S. Choudhari, Maa Chandrakanta Colony, Lingiadih, Rajkishore Nagar, Police Station Sarkanda, Post Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department Of Technical Education, Manpower, Science And Technology, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh

2. Director, Directorate Of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Raipur District Raipur, Chhattisgarh
4. Principal, Govt. Engineering College, Bilaspur, Chhattisgarh
5. Dr. Smt. Bhavna Nigam, W/o Deepak Nigam, Aged About 40 Years C/o Dr. R. C. Saxena, Vinoba Nagar, Oppsite Gayatri Temple, Bilaspur, Police Station Civil Lines, Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh
6. Arti Shrivastavam, Asst. Professor Mathematics, Government Engineering Collage, Jagdalpur, Chhattisgarh

---- Respondents

Writ Appeal No. 89 of 2017

Ram Naresh Hinduja S/o Late Dr. B. G. Hinduja, Aged About 39 Years R/o Paras Nagar, Raipur, Tehsil And District Raipur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Technical Education, Manpower And Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Chhattisgarh.
2. The Director, Directorate Of Technical Education, Indravati Bhavan, Naya Raipur Chhattisgarh.
3. The Chhattisgarh Public Service Commission, Through The Secretary, C. G. P. S. C. Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Shailee Kesharwani, Lecturer Pharmacy, Government Girls Poly., Raipur, District- Raipur, Chhattisgarh

---- Respondents

Writ Appeal No. 125 of 2017

Dr. Dinesh Uthra S/o Chhabil Das Uthra, Aged About 45 Years R/o Sai Krupa Matra Chaya, Near Priyadarshani Nagar, Ring Road, Bilaspur, District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Technical Education, Manpower And Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Chhattisgarh., Chhattisgarh
2. The Director, Directorate of Technical Education, Raipur, Chhattisgarh
3. The Chhattisgarh Public Service Commission, Through The Secretary, Chhattisgarh P. S. C. Raipur, Chhattisgarh.
4. Vineet Kumar Shukla, Assistant Professor Physics, Government Engineering, College, Raipur, District- Raipur, Chhattisgarh

---- Respondents**Writ Appeal No. 145 of 2017**

Sameer Kumar Shastri S/o Late Shri K. K. Shastri, Aged About 51 Years Occupation Service, Presently Working As Lecturer At Government Engineering College, Raipur, R/o Dayitva, Near Sahu Sadan, Kela Badi, Durg District Durg Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Technical Education, Manpower, Science And Technology, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Technical Education, Manpower, Science And Technology, Chhattisgarh, Raipur Chhattisgarh.
3. Chhattisgarh Public Service Commission, Through Its Secretary, Raipur Chhattisgarh.
4. Principal, Government Engineering College, Purani Dhamtari Road, Village Shejbehra, Raipur Chhattisgarh.
5. Rahul Gupta S/o Shri R.K. Gupta Aged About 27 Years R/o C-4 Amaltaspuram, Dhamtari, Tahsil And District- Dhamtari, Chhattisgarh

---- Respondents

For Appellants : Dr. N.K.Shukla, Senior Advocate with Shri Vinod Deshmukh, Shri Kishore Bhaduri, Shri Rajeev Shrivastava, Smt. Meena Shastri, Shri Mateen Siddique, Shri Anoop Majumdar, Shri Manoj Paranjpe, Shri Amrito Das, Shri Sourabh Sharma, Ms. Deepali Pandey, Ms. Sunita Jain, Ms. Madhunisha Singh, Shri Pawan Kesharwani, Shri Rajendra Tripathi, Shri Rahul Tamaskar, Shri Rakesh Dubey, Shri Aditya Sharma, Shri Sunny Agrawal and Ms. Ruchi Nagar, Advocates.

For Respondent / : Shri Y.S.Thakur, Additional Advocate General State

For Respondent / CGPSC : Shri Ashok Verma, Shri Y.C.Sharma, Shri Abhishek Sinha, Shri Ashish Shrivastava, Shri B.D.Guru, Shri Sudeep Agrawal, Shri Ajay Kumar Chandra, Shri Sachin Nidhi, Ms. S.Harshita, Ms. Lata Nayak, Ms. Chhaya Gabel, Shri N.D.Quadari and Ms. Medha Shrivastava, Advocates.

For Intervenors : Shri Sunil Otواني, Shri Harsh Wardhan, Shri N.K.Malviya, Shri Manish Upadhyay, Shri Neeraj Choubey and Shri Hari Agrawal, Advocates.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

C.A.V. Judgment

Per Ajay Kumar Tripathi, Chief Justice

1. These appeals have been preferred against a common judgment rendered by the learned Single Judge in a batch of writ applications which came to be clubbed and heard altogether since they arose out of appointments or engagements on the post of Assistant Professors in the Government Engineering Colleges and on the post of Lecturers in the

Government Polytechnic Colleges, in the State of Chhattisgarh. When the State Government decided to issue a fresh advertisement to fill up the posts held by the Appellants, writ applications were filed. In the alternative, some of the Petitioners wanted quashing of the advertisement of the year 2015 whereas others wanted absorption/regularisation keeping in mind their long period of working on contract.

2. Another category of the Appellants are those who have been appointed as part-time Assistant Professors and Lecturers and working in the Government Engineering and Polytechnic Colleges, respectively, for a significant period of time and desire regularisation of their services.

3. Learned Single Judge dismissed the writ applications refusing to give the Appellants relief of either quashing the advertisement or giving a direction for regularisation.

4. For convenience, Writ Appeal No. 14 of 2017 i.e. case of *Gopi Sao & Others v. State of Chhattisgarh & Others* was treated as the lead case. The broad facts and materials are being relied from the said writ appeal.

5. It has been argued by the learned counsel for the Appellants that even before the creation of State of Chhattisgarh, the State Engineering and Polytechnic Colleges were understaffed and there was dire needs of faculty to run these institutions for a long period of time. No appointments of significance came to be ever made. The situation became even more grim after the State of Chhattisgarh was created in the year 2000. To meet the exigency, the State Government, in the year 2002 issued a notification dated 08.07.2002 in exercise of power under Article 309 of the Constitution of India. The said rule was known as the Chhattisgarh Technical Education Three Years Contract

Service (Appointment and Service Conditions) Rules, 2002 (*hereinafter referred to as 'the 2002 Rules'*).

6. The 2002 Rules laid down the eligibility, the modality of selection and it had all the attributes of a regular appointment under the State except that it was meant to be a contractual appointment for a period of three years.

7. In furtherance to the 2002 Rules, an advertisement was issued for appointment on the post of Lecturers for a period of three years against sanctioned vacant posts in the different Government Engineering and Polytechnic Colleges. The advertisement which followed the notification of the 2002 Rules is a pointer to the fact that due process was followed in the selection and only those who were found qualified, competent and eligible based on their merit position as well as by following the reservation roster, letters of appointment came to be issued. These appointments came to be made in the year 2004 and thereafter. The appointments though on contract, was on regular sanctioned posts which were lying vacant. Ever since their appointment, the Appellants have continued to work till their bunch of writ applications came to be dismissed on 02.01.2017 but were granted protection in the appeals at the time of admission vide order dated 05.05.2017 passed in Writ Appeal No. 11 of 2017 and the connected cases.

8. Even though, the 2002 Rules categorically stated that on expiry of a period of three years, the contract would automatically end, but obviously there was no desire or option available to the State Government to do away with the services of the Appellants after they were appointed. The stand of the Appellants' counsel is that the nature of such engagement may have its origin in contract but since neither the State nor the appointing authorities were

dissatisfied with the services of the Appellants or for reasons best known to them, could not dispense with their services. Though to circumvent the law, they used to keep renewing the contract one after the other. A long period of continued engagement with no whisper or stand taken by the State that these appointments were in any manner illegal or irregular is a pointer to their status. Though the State labelled the initial engagement of the Appellants to be on contract but they never adhered to their own Rule of doing away with their service after three years. The terminology sans the methodology now cannot be used for dispensing with the services of the Appellants, since it will neither be fair to the Appellants, since the best of their life has already gone by serving the State nor can the State be permitted to resort to the concept of 'hire and fire' like a private employer. Most of these Appellants have worked anything between 10 – 14 years except for those who were removed for their acts of omission or commission or incompetence.

9. Besides the bunch of the Appellants who were appointed under the 2002 Rules, Rules were also notified in the years 2004 and 2012. More appointments came to be made following the same process and procedure after due advertisement. Therefore, the only difference between some set of the Appellants and others is the period when they came to be engaged.

10. While pressing their writ applications, the Appellants brought to the notice of the learned Single Judge a decision which came to be rendered by a Division Bench of the Bombay High Court which was the case of **Sachin Ambadas Dawale & Others v. The State of Maharashtra & Another** {Writ Petition No. 2046 of 2010}, decided on 19.10.2013. The reason why the Appellants placed reliance on the said Division Bench judgment was because there is a lot of similarity in the facts as well as the legal proposition between

the case decided by the Bombay High Court and the issues before the learned Single Judge.

11. The facts of the case before the Bombay High Court was that the Petitioners therein were appointed as Lecturers in different departments of Government Polytechnic in the State of Maharashtra. These appointments were made in terms of the so-called policy dated 25.07.2002 and subsequent modified resolutions dated 02.08.2003 and 03.10.2003. Their grievance was that they have been in the employment of the Respondents for a long period ranging from 3 – 10 years but are being denied the benefit of permanency or permanent appointment. There also, initial appointments were said to be on contract. The stand of the State before the Division Bench was that the Petitioners have no legal right to invoke extraordinary jurisdiction of the Court since they were contractual employees and they had accepted the employment with full knowledge that they cannot claim regularisation or permanency. In the said case, as in the present case, reliance was placed on the case of **Secretary, State of Karnataka & Others v. Uma Devi & Others**, reported in **AIR 2006 SC 1806 (1) : (2006) 4 SCC 1** by State of Maharashtra.

12. The Division Bench of Bombay High Court, in **Sachin Ambadas Dawale** (*supra*) rendered the following opinion:

“10. We have considered the submissions on behalf of the petitioners and the respondents. It is undisputed that the appointments of the petitioners are as per the policy incorporated in the Government resolution dated 25th of July, 2002 in which it is laid down that the appointments will be on contractual basis and till the availability of the candidates appointed through regular selection process. However, it is important to consider that the petitioners are appointed after following the procedure of issuance of advertisement and conducting interviews by a duly constituted Selection Committee. The Selection Committee constituted as per the Government resolution dated 2nd August, 2003 comprises of highly experienced and technical persons like :

- (i) Joint Director, Technical Education Department,
- (ii) representative of women,
- (iii) Principal of the concerned institution,
- (iv) representative of backward class, and
- (v) two Experts of concerned subject.

In view of the above facts, it cannot be said that the appointments of the petitioners are back door or illegal. It cannot be said that the petitioners are appointed arbitrarily or haphazardly or clandestinely without issuing advertisement and without giving an opportunity to all the eligible candidates to participate in the selection process. From the record it clearly appears to be an undisputed position that in response to the advertisement several candidates had participated in the selection process and it is the petitioners who were found eligible and suitable for the posts and as such were selected and appointed. It is not the case of the respondents that any illegalities took place during the selection process.

11. We have discussed earlier, that after the tenure of two years of the appointment of the petitioners came to an end, the respondent - Government issued the resolution dated 26th October, 2005 and continued the Lecturers for the further period of two years. It is to be noted that the Government of Maharashtra has stated in the affidavit filed before this Court that it had decided to continue the services of the contractual employees after giving four to five days' break until the candidates selected through MPSC are available and that the Government of Maharashtra had decided to grant 30 days' leave to these employees and had increased monthly package of these employees. These factors show that the posts, in which these employees are appointed on contractual basis, are permanent and full time posts and the services of these employees were required by the Government of Maharashtra to discharge its "constitutional obligation" of imparting education.

12. The contention of the State Government as to whether the posts should be filled on a regular basis or contractual basis is a policy matter and cannot be within the domain of the judicial review of this Court is without substance. The State Government is a "Model Employer" and is obliged to follow the Constitutional Scheme. It is not in dispute that after their selection, the petitioners have worked for a period between 3 years to 10

years. In this respect we may gainfully refer to the following observations of the Hon'ble Apex Court in case of Radha Dubey V/s. Govt. of NCT of Delhi and Ors. in the order dated 16th August, 2010 in Special Leave to Appeal (Civil) No.CC10388/2010 :-

"We are prima facie of the view that appointment of a person on contract basis for an uninterrupted period of ten years amounts to exploitation. The State, as a model employer in a welfare State, is not expected to take advantage of its position and impose wholly unequitable and unreasonable condition of employment on the prospective employees, who do not have the choice but to accept the appointment on terms and conditions offered by the employer. This practice seems to be contrary to the ratio of the judgments of this Court in Central Inland Water Transport Corporation Ltd. and another versus Brojo Nath Ganguly and another [AIR 1986 SC 1571] and Delhi Transport Corporation versus D.T.C. Mazdoor Congress [AIR 1991 SC 101]."

It is to be noted that having observed this, the Hon'ble Apex court in the peculiar facts of the case had directed the respondents to take the petitioners back in service by an interim order. The facts of the present case are almost identical. The Government has extracted the work from the petitioners for years together after they were found eligible and suitable in the selection process, conducted by the Selection Committees, which are constituted in pursuance to the Government Resolution.

13. Insofar as the contention of the respondents that the petitioners were aware that their appointment was for a limited period on contract basis and as such they are not entitled to claim regularization is concerned, the said submission is also without substance. It is not in dispute that during this period i.e. up to 2010 the appointments which were made, were made only through the process by which the petitioners were selected. It is not as if during the said period MPSC was also conducting the selection process simultaneously. It is not therefore as if the petitioners had choice to participate in the selection process through MPSC as well as through the Committees constituted under the said Government Resolution. The petitioners had no choice but to participate in the selection process conducted through the Committees constituted under the said Government Resolution. The Hon'ble Apex Court in case of Central Inland Water Transport Corporation Ltd. V/s. Brojo Nath Ganguly (AIR 1986 SC 1571) has observed as follows :-

".....Article 14 of the Constitution guarantees to all persons equality before the law and the equal protection of the laws. The principle deducible from the above discussions on this part of the case in consonance with right and reason, intended to secure social and economic justice and conforms to the mandate of the great equality clause in Article 14. This principle is that the Courts will not enforce and will, when called upon to do so, strike down an unfair and unreasonable contract, or an unfair and unreasonable clause in a contract, entered into between parties who are not equal in bargaining power..... it will apply to situations in which the weaker party is in a position in which he can obtain goods or services or means of livelihood only upon the terms imposed by the stronger party or go without them."

It can, thus, be clearly seen that the Apex Court in the said case has held that Article 14 requires that the State action should be right and reasoned and intended to secure social and economic justice and to conform to the mandate of equality clause enshrined in Article 14 of the Constitution. It has been equally held that when an unfair or unreasonable condition is imposed by the State, the Court can very well strike it down. The Constitution Bench of the Apex Court in case of Delhi Transport Corporation V/s. D.T.C. Mazdoor Congress and others reported in AIR 1991 SC 101(1) has approved the principle laid down in the case of Central Inland Water Transport Corporation Ltd. V/s. Brojo Nath Ganguly (supra). In that view of the matter, we are unable to accept the contention of the State, on account of whose inaction, the appointments could not be made for a period of more than a decade. The petitioners had no choice but to participate in the selection process as per the said Government Resolution to get the employment.

14. In the facts of the present case, the Government did not hold selection through MPSC for a period of more than 10 years and selected the Lecturers only through the selection process as provided under the said Government Resolution and the petitioners were duly selected through that process. The respondent - State has extracted the work from the petitioners for years together. Now, by efflux of time and on account of the respondent - State not holding the selection process for years together, many of the petitioners have become over-aged and would not be in a position to participate in the selection process through MPSC. It could be clearly seen that the issue before the Apex Court in case of Secretary, State of Karnataka & Ors. V/s. Umadevi & Ors. (supra) was pertaining to the appointments which were made clandestinely and without advertisement and the persons were appointed without following due selection process. The facts of the present case are totally different. In the present case the petitioners have been appointed after the posts

were advertised, they were selected in a selection process by Committee of Experts duly constituted as per the said Government Resolution. In that view of the matter, the law laid down by the Apex Court in the case of Secretary, State of Karnataka & Ors. V/s. Umadevi & Ors. (supra) would not be applicable to the facts of the present case.

15. The submission of the Government of Maharashtra that whether the posts should be filled in on regular basis or contractual basis is a matter of policy and falls within the domain of the Government of Maharashtra (employer), does not appeal to us. It being an admitted position that the posts, in which these employees have been appointed and continued for a considerable length of time, on contractual basis, are regular and full time posts; the appointments in these posts cannot be at the whims and fancies of the Government of Maharashtra. The State cannot adopt a policy of hire and fire or use and throw.

16. In our view the submissions made on behalf of the respondents relying on the judgment in the case of Secretary, State of Karnataka & Ors. v. Umadevi & Ors. (supra) would not be applicable in the facts of the present case. It is undisputed that the posts, in which the petitioners are working, are sanctioned posts. As discussed earlier, the Government of Maharashtra had issued the resolution dated 2nd August, 2003 by which the Selection Committee came to be constituted for the selection of the candidates. The respondents have not disputed that though the petitioners were initially appointed for a fixed term, they are continued in service. It is not disputed that the leave facility is made available by the resolution dated 18th February, 2006 to such employees. The respondents have stated in their affidavit that the monthly pay to these employees has been increased. It is not disputed that the petitioners are having the qualifications required for the posts in which they are working. The respondents have not disputed that the appointments for the teaching posts are taken out of the purview of the MPSC as informed by the communication dated 29th March, 2008.

17. The submission on behalf of the respondents relying on the judgment of Secretary, State of Karnataka & Ors. V/s. Umadevi & Ors. (supra) cannot be accepted in the facts of the present case. In above case, the Hon'ble Supreme Court has observed in paragraph 3 of the judgment that the States have resorted to irregular appointments, especially in the lower rungs of the service, without reference to the duty to ensure a proper

appointment procedure through the Public Service Commission "or otherwise as per the rules adopted" and to permit these irregular appointees or those appointed on contract or on daily wages, to continue year after year, thus, keeping out those who are qualified to apply for the post concerned and depriving them of an opportunity to compete for the post. The Hon'ble Supreme Court has observed that Courts should desist from issuing orders preventing regular selection or recruitment at the instance of such persons and from issuing directions for continuance of those who have not secured regular appointments as per procedure established. In the present case though the petitioners are not selected through MPSC, it is undisputed that the petitioners are selected after the procedure for selection is followed and through the duly constituted Selection Committee as constituted by the Government of Maharashtra. The advertisement was issued before the petitioners were selected and all interested candidates had applied for the posts for which the petitioners are selected. Thus, it cannot be said that the petitioners have got the employment through back door entry. It cannot be said that the candidates qualified for the posts were deprived of the opportunity to compete for the selection for the posts in which the petitioners are working.

In case of Union Public Service Commission V/s. Girish Jayanti Lal Vaghela and Others reported in 2006 (2) SCALE 115 the Hon'ble Supreme Court has laid down as follows :-

"Article 16 which finds place in Part III of the Constitution relating to fundamental rights provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. The main object of Article 16 is to create a constitutional right to equality of opportunity and employment in public offices. The words "employment" or "appointment" cover not merely the initial appointment but also other attributes of service like promotion and age of superannuation etc. The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to a post under the State or Union cannot be made without issuing advertisement in the prescribed manner which

may in some cases include inviting applications from the employment exchange where eligible candidates get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution (See B.S. Minhas Vs. Indian Statistical Institute and others AIR 1984 SC 363)."

The said judgment is considered by the Hon'ble Supreme Court in case of Secretary, State of Karnataka & Ors. V/s. Umadevi & Ors. (supra)."

13. The Court is informed that an SLP filed by the State of Maharashtra against the Division Bench decision of the Bombay High Court was dismissed and therefore, the Division Bench decision has attained finality.

14. Yet another decision which has been pressed into service in these appeals is the recent decision of the Hon'ble Supreme Court which is the case of ***Sheo Narain Nagar & Others v. State of Uttar Pradesh & Others***, reported in **AIR 2018 SC 233**. While dealing with the case of regularisation and so-called resistance put up against the same on the basis of ***Uma Devi's case*** (supra), the Hon'ble Supreme Court had this to observe:

"8. When we consider the prevailing scenario, it is painful to note that the decision in Uma Devi (Supra) has not been properly understood and rather wrongly applied by various State Governments. We have called for the data in the instant case to ensure as to how many employees were working on contract basis or ad-hoc basis or daily-wage basis in different State departments. We can take judicial notice that widely aforesaid practice is being continued. Though this Court has emphasised that incumbents should be appointed on regular basis as per rules but new devise of making appointment on contract basis has been adopted, employment is offered on daily wage basis etc. in exploitative forms. This situation was not envisaged by Uma Devi (supra). The prime intendment of the decision was that the employment process should be by fair means and not by back door entry and in the available pay scale. That spirit of the Uma Devi (supra) has been ignored and conveniently over looked by various State Governments/ authorities. We regretfully make the

observation that Uma Devi (supra) has not be implemented in its true spirit and has not been followed in its pith and substance. It is being used only as a tool for not regularizing the services of incumbents. They are being continued in service without payment of due salary for which they are entitled on the basis of Article 14, 16 read with Article 34 (1) (d) of the Constitution of India as if they have no constitutional protection as envisaged in D.S. Nakara v. Union of India, AIR 1983 SC 130 from cradle to grave. In heydays of life they are serving on exploitative terms with no guarantee of livelihood to be continued and in old age they are going to be destituted, there being no provision for pension, retiral benefits etc. There is clear contravention of constitutional provisions and aspiration of down trodden class. They do have equal rights and to make them equals they require protection and cannot be dealt with arbitrarily. The kind of treatment meted out is not only bad but equally unconstitutional and is denial of rights. We have to strike a balance to really implement the ideology of Uma Devi (supra). Thus, the time has come to stop the situation where Uma Devi (supra) can be permitted to be flouted, whereas, this Court has interdicted such employment way back in the year 2006. The employment cannot be on exploitative terms, whereas Uma Devi (supra) laid down that there should not be back door entry and every post should be filled by regular employment, but a new device has been adopted for making appointment on payment of paltry system on contract/adhoc basis or otherwise. This kind of action is not permissible, when we consider the pith and substance of true spirit in Uma Devi (supra).

9. Coming to the facts of the instant case, there was a direction issued way back in the year 1999, to consider the regularization of the appellants. However, regularization was not done. The respondents chose to give minimum of the pay scale, which was available to the regular employees, way back in the year 2000 and by passing an order, the appellants were also conferred temporary status in the year 2006, with retrospective effect on 2.10.2002. As the respondents have themselves chosen to confer a temporary status to the employees, as such there was requirement at work and posts were also available at the particular point of time when order was passed. Thus, the submission raised by learned counsel for the respondent that posts were not available, is belied by their own action. Obviously, the order was passed considering the long period of services rendered by the appellants, which were taken on exploitative terms.

10. The High Court dismissed the writ application relying on the decision in Uma Devi (supra). But the appellants were employed basically in the year 1993; they had rendered service for three years, when they were offered the service on contract basis; it was not the case of back door entry; and there were no Rules in place for offering such kind of

appointment. Thus, the appointment could not be said to be illegal and in contravention of Rules, as there were no such Rules available at the relevant point of time, when their temporary status was conferred w.e.f. 2.10.2002. The appellants were required to be appointed on regular basis as a one-time measure, as laid down in paragraph 53 of *Uma Devi* (supra). Since the appellants had completed 10 years of service and temporary status had been given by the respondents with retrospective effect in the 2.10.2002, we direct that the services of the appellants be regularized from the said date i.e. 2.10.2002, consequential benefits and the arrears of pay also to be paid to the appellants within a period of three months from today.”

15. In a case arising from the State of Jharkhand which was created at the same time as the State of Chhattisgarh, an issue relating to regularisation of daily wagers or contract workers on different posts arose before the Jharkhand High Court. The Jharkhand High Court took a view that keeping in mind the ratio of ***Uma Devi*** (supra), since 10 years of service have been laid down as a condition precedent for regularisation, therefore anybody with less than 10 years of service did not have a right for regularisation.

16. The Hon'ble Supreme Court explained the object behind the ***Uma Devi's*** decision in ***Narendra Kumar Tiwari & others v. State of Jharkhand & Others***, reported in **AIR 2018 SC 3589**, in the following terms:

“8. The purpose and intent of the decision in *Umadevi* (3) (AIR 2006 SC 1806) was therefore two-fold, namely, to prevent irregular or illegal appointments in the future and secondly, to confer a benefit on those who had been irregularly appointed in the past. The fact that the State of Jharkhand continued with the irregular appointments for almost a decade after the decision in *Umadevi* (3) is a clear indication that it believes that it was all right to continue with irregular appointments, and whenever required, terminate the services of the irregularly appointed employees on the ground that they were irregularly appointed. This is nothing but a form of exploitation of the employees by not giving them the benefits of regularisation and by placing the sword of Damocles over their head. This is precisely what *Umadevi* (3) and *Kesari* sought to avoid.

9. If a strict and literal interpretation, forgetting the spirit of the decision of the Constitution Bench in *Umadevi* (3), is to be taken into consideration then no irregularly appointed employee of the State of Jharkhand could ever be regularised since that State came into existence only on 15th November, 2000 and the cut-off date was fixed as 10 th April, 2006. In other words, in this manner the pernicious practice of indefinitely continuing irregularly appointed employees would be perpetuated contrary to the intent of the Constitution Bench.

10. The High Court as well as the State of Jharkhand ought to have considered the entire issue in a contextual perspective and not only from the point of view of the interest of the State, financial or otherwise – the interest of the employees is also required to be kept in mind. What has eventually been achieved by the State of Jharkhand is to short circuit the process of regular appointments and instead make appointments on an irregular basis. This is hardly good governance.”

17. Yet another judgment of significance of the Hon'ble Supreme Court on which reliance has been placed is the case of ***Harjinder Singh v. Punjab State Warehousing Corporation***, reported in **(2010) 3 SCC 192**. It is submitted that even though the case arose with regard to an award passed by the Labour Court, the Apex Court, keeping in mind the preamble and various Articles contained in Part IV of the Constitution culled out the essence of it, as under: para 22 to 31, and 46, 47

“22. In *Y.A. Mamarde v. Authority under the Minimum Wages Act (1972)* 2 SCC 108, this Court, while interpreting the provisions of [Minimum Wages Act](#), 1948, observed:

"The anxiety on the part of the society for improving the general economic condition of some of its less favoured members appears to be in supersession of the old principle of absolute freedom of contract and the doctrine of *laissez faire* and in recognition of the new principles of social welfare and common good. Prior to our Constitution this principle was advocated by the movement for liberal employment in civilised countries and the Act which is a pre-constitution measure was the offspring of that movement. Under our present Constitution the State is now expressly directed to endeavour to secure to all workers (whether agricultural, industrial or otherwise) not only bare physical subsistence but a living wage and

conditions of work ensuring a decent standard of life and full enjoyment of leisure. This Directive Principle of State Policy being conducive to the general interest of the nation as a whole, merely lays down the foundation for appropriate social structure in which the labour will find its place of dignity, legitimately due to it in lieu of its contribution to the progress of national economic prosperity."

23. The preamble and various Articles contained in Part IV of the Constitution promote social justice so that life of every individual becomes meaningful and he is able to live with human dignity. The concept of social justice engrafted in the Constitution consists of diverse principles essentially for the orderly growth and development of personality of every citizen. Social justice is thus an integral part of justice in the generic sense. Justice is the genus, of which social justice is one of its species. Social justice is a dynamic devise to mitigate the sufferings of the poor, weak, dalits, tribals and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of person. In other words, the aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation of every section of the society.

24. In a developing society like ours which is full of unbridgeable and ever widening gaps of inequality in status and of opportunity, law is a catalyst to reach the ladder of justice. The philosophy of welfare State and social justice is amply reflected in large number of judgments of this Court, various High Courts, National and State Industrial Tribunals involving interpretation of the provisions of the Industrial Disputes Act, Indian Factories Act, Payment of Wages Act, Minimum Wages Act, Payment of Bonus Act, Workmen's Compensation Act, the Employees Insurance Act, the Employees Provident Fund and Miscellaneous Provisions Act and the Shops and Commercial Establishments Act enacted by different States.

25. In *Ramon Services (P) Ltd. v. Subhash Kapoor* (2001) 1 SCC 118, R.P. Sethi, J. observed that:

"After independence the concept of social justice has become a part of our legal system. This concept gives meaning and significance to the democratic ways of life and of making the life dynamic. The concept of welfare State would remain in oblivion unless social justice is dispensed. Dispensation of social justice and achieving the goals set forth in the Constitution are

not possible without the active, concerted and dynamic efforts made by the persons concerned with the justice dispensation system.”

26. In L.I.C. of India v. Consumer Education and Research Centre and Others (1995) 5 SCC 482, K. Ramaswamy, J. observed that social Justice is a device to ensure life to be meaningful and liveable with human dignity. The State is obliged to provide to workmen facilities to reach minimum standard of health, economic security and civilized living. The principle laid down by this law requires courts to ensure that a workman who has not been found guilty can not be deprived of what he is entitled to get. Obviously when a workman has been illegally deprived of his device then that is misconduct on the part of the employer and employer can not possibly be permitted to deprive a person of what is due to him.

27. In 70s, 80s and early 90s, the courts repeatedly negated the doctrine of laissez faire and the theory of hire and fire. In his treatise: Democracy, Equality and Freedom, Justice Mathew wrote:

"The original concept of employment was that of master and servant. It was therefore held that a court will not specifically enforce a contract of employment. The law has adhered to the age-old rule that an employer may dismiss the employee at will. Certainly, an employee can never expect to be completely free to do what he likes to do. He must face the prospect of discharge for failing or refusing to do his work in accordance with his employer's directions. Such control by the employer over the employee is fundamental to the employment relationship. But there are innumerable facets of the employee's life that have little or no relevance to the employment relationship and over which the employer should not be allowed to exercise control. It is no doubt difficult to draw a line between reasonable demands of an employer and those which are unreasonable as having no relation to the employment itself. The rule that an employer can arbitrarily discharge an employee with or without regard to the actuating motive is a rule settled beyond doubt. But the rule became settled at a time when the words 'master' and 'servant' were taken more literally than they are now and when, as in early Roman Law, the rights of the servant, like the rights of any other member of the

household, were not his own, but those of his pater familias. The overtones of this ancient doctrine are discernible in the judicial opinion which rationalised the employer's absolute right to discharge the employee. Such a philosophy of the employer's dominion over his employee may have been in tune with the rustic simplicity of bygone days. But that philosophy is incompatible with these days of large, impersonal, corporate employers. The conditions have now vastly changed and it is difficult to regard the contract of employment with large scale industries and government enterprises conducted by bodies which are created under special statutes as mere contract of personal service. Where large number of people are unemployed and it is extremely difficult to find employment, an employee who is discharged from service might have to remain without means of subsistence for a considerably long time and damages in the shape of wages for a certain period may not be an adequate compensation to the employee for non-employment. In other words, damages would be a poor substitute for reinstatement. The traditional rule has survived because of the sustenance it received from the law of contracts. From the contractual principle of mutuality of obligation, it was reasoned that if the employee can quit his job at will, then so too must the employer have the right to terminate the relationship for any or no reason. And there are a number of cases in which even contracts for permanent employment, i.e. for indefinite terms, have been held unenforceable on the ground that they lack mutuality of obligation. But these cases demonstrate that mutuality is a high-sounding phrase of little use as an analytical tool and it would seem clear that mutuality of obligation is not an inexorable requirement and that lack of mutuality is simply, as many courts have come to recognize, an imperfect way of referring to the real obstacle to enforcing any kind of contractual limitation on the employer's right of discharge, i.e. lack of consideration. If there is anything in contract law which seems likely to advance the present inquiry, it is the growing tendency to protect individuals from contracts of adhesion from over-reaching terms often found in standard forms of contract used by large

commercial establishments. Judicial disfavour of contracts of adhesion has been said to reflect the assumed need to protect the weaker contracting part against the harshness of the common law and the abuses of freedom of contract. The same philosophy seems to provide an appropriate answer to the argument, which still seems to have some vitality, that "the servant cannot complain, as he takes the employment on the terms which are offered to him."

(emphasis added)

28. In Government Branch Press v. D.B. Belliappa (1979) 1 SCC 477, the employer invoked the theory of hire and fire by contending that the respondent's appointment was purely temporary and his service could be terminated at any time in accordance with the terms and conditions of appointment which he had voluntarily accepted. While rejecting this plea as wholly misconceived, the Court observed:

"25.....It is borrowed from the archaic common law concept that employment was a matter between the master and servant only. In the first place, this rule in its original absolute form is not applicable to government servants. Secondly, even with regard to private employment, much of it has passed into the fossils of time. "This rule held the field at the time when the master and servant were taken more literally than they are now and when, as in early Roman Law, the rights of the servant, like the rights of any other member of the household, were not his own, but those of his pater familias". The overtones of this ancient doctrine are discernible in the Anglo-American jurisprudence of the 18th century and the first half of the 20th century, which rationalised the employer's absolute right to discharge the employee. "Such a philosophy", as pointed out by K.K. Mathew, J. (vide his treatise: "Democracy, Equality and Freedom", p. 326), "of the employer's dominion over his employee may have been in tune with the rustic simplicity of bygone days. But that philosophy is incompatible with these days of large, impersonal, corporate employers". To bring it in tune with vastly changed and changing socio-economic conditions and mores of the day, much of this old, antiquated and unjust doctrine has been eroded by judicial decisions and legislation, particularly in its application to persons in

public employment, to whom the Constitutional protection of Articles 14, 15, 16 and 311 is available. The argument is therefore overruled."

29. The doctrine of laissez faire was again rejected in Glaxo Laboratories (India) Ltd. v. Presiding Officer (1984) 1 SCC 1, in the following words:

"12. In the days of laissez-faire when industrial relation was governed by the harsh weighted law of hire and fire the management was the supreme master, the relationship being referable to contract between unequals and the action of the management treated almost sacrosanct. The developing notions of social justice and the expanding horizon of socio-economic justice necessitated statutory protection to the unequal partner in the industry namely, those who invest blood and flesh against those who bring in capital. Moving from the days when whim of the employer was *suprema lex*, the Act took a modest step to compel by statute the employer to prescribe minimum conditions of service subject to which employment is given. The Act was enacted as its long title shows to require employers in industrial establishments to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them. The movement was from status to contract, the contract being not left to be negotiated by two unequal persons but statutorily imposed. If this socially beneficial Act was enacted for ameliorating the conditions of the weaker partner, conditions of service prescribed thereunder must receive such interpretation as to advance the intendment underlying the Act and defeat the mischief."

30. Of late, there has been a visible shift in the courts approach in dealing with the cases involving the interpretation of social welfare legislations. The attractive mantras of globalization and liberalisation are fast becoming the *raison d'être* of the judicial process and an impression has been created that the constitutional courts are no longer sympathetic towards the plight of industrial and unorganized workers. In large number of cases like the present one, relief has been denied to the employees falling in the category of workmen, who are illegally retrenched from service by creating by-lanes and side-lanes in the jurisprudence developed by this Court in three decades. The stock plea raised by the public employer in such cases is that the initial employment/engagement of the workman-employee was contrary to some or the other statute or that reinstatement of

the workman will put unbearable burden on the financial health of the establishment. The courts have readily accepted such plea unmindful of the accountability of the wrong doer and indirectly punished the tiny beneficiary of the wrong ignoring the fact that he may have continued in the employment for years together and that micro wages earned by him may be the only source of his livelihood.

31. It need no emphasis that if a man is deprived of his livelihood, he is deprived of all his fundamental and constitutional rights and for him the goal of social and economic justice, equality of status and of opportunity, the freedoms enshrined in the Constitution remain illusory. Therefore, the approach of the courts must be compatible with the constitutional philosophy of which the Directive Principles of State Policy constitute an integral part and justice due to the workman should not be denied by entertaining the specious and untenable grounds put forward by the employer - public or private."

xxx xxx xxx xxx

46. Therefore, the Judges of this Court are not mere phonographic recorders but are empirical social scientists and the interpreters of the social context in which they work. That is why it was said in Authorised Officer, Thanjavur and another vs. S. Naganatha Ayyar and others - [(1979) 3 SCC 466], while interpreting the land reforms Act, that beneficial construction has to be given to welfare legislation.

47. Krishna Iyer, J. speaking for the Court, made it very clear (S. Naganatha case {(1979) 3 SCC 466}) that even though the judges are "constitutional invigilators and statutory interpreters" they should "also be responsive to part IV of the Constitution being "one of the trinity of the nation's appointed instrumentalities in the transformation of the socio-economic order". The Learned Judge made it very clear that when the Judges "decode social legislation, they must be animated by a goal oriented approach" and the Learned Judge opined, and if I may say so, unerringly, that in this country "the judiciary is not a mere umpire, as some assume, but an activist catalyst in the constitutional scheme." [SCC P. 468, Para 1]"

18. Keeping the legal ethos which emerges from some of the decisions rendered by the Hon'ble Supreme Court, it is submitted on behalf of the Appellants that since these appointments were made in terms of a Rule notified under Article 309 of the Constitution of India and all the requirements of advertisement, selection by a legally constituted committee and even roster of reservation was followed it was a legal and valid appointment. These appointments were further made against vacant sanctioned posts, subsisting for long-long period of time. Besides, despite the so-called rule indicating a fixed tenure, it was never adhered to. Neither the decision of *Uma Devi (supra)* nor the arguments made on behalf of the State that the Appellants were contractual appointees, can defeat the right of these Appellants for a direction upon them to consider their regularisation. The appointments are legal and valid even though the rule said it was contractual for a fixed period of time, but those rules have themselves not been adhered to by the State authorities and they have allowed the Appellants to work for a long period of time. The Court is further informed that large number of vacancies still subsists despite efforts being made by the State to recruit new hands and these Appellants can very well be accommodated against those subsisting vacancies, especially so, since they were engaged in the very first place against the sanctioned vacant posts. They ought not to be ousted or be asked to make way for new appointees at this stage of their life when they will have no other place to go and make a new beginning.

19. The vacancy positions which have been tendered to the Court, both in relation to Polytechnic and Engineering Colleges are as under:

“Vacancy Position

DIRECTORATE OF TECHNICAL EDUCATION, CHHATTISGARH, NAYA RAIPUR (CG)
DATA REGARDING LECTURERS IN GOVERNMENT POLYTECHNIC COLLEGES,
CHHATTISGARH

As on date (With respect to Hon'ble High Court order dated 24.3.18 in WA 14/2017)

Sl. No	Branches	Total setup post of Lecturer	Filled by Regular Lecturer against sanctioned posts in column 3	Filled by contractual faculty against sanctioned posts in column 3	Filled by Part Time Faculty against sanctioned posts in column 3	Total filled posts of Lecturer	Total vacant posts of Lecturer	Resigned	Actual vacancy position 5+6+8+9	Appellant posts
1	2	3	4	5	6	7	8	9	10	11
1	Civil	105	53	0	5	58	47	5	57	3
2	Computer Science (Contract)	3	0		0	0	3	-		-
3	Computer Science	53	37	0	10	47	6	-	03	-
4	Electrical	116	53	0	10	63	53	1	64	1
5	Electronics & Telecommunication	69	55	0	7	62	7	-	14	2
6	Information Technology	21	9	0	7	16	5		12	-
7	Mechanical	111	71	0	4	75	36	1	40	-
8	Metallurgy	24	19	0	2	21	3		5	-
9	Mining	19	10	0	3	13	6		9	-
10	Instrumentation	5	0	0	0	0	5		5	-
11	Chemical	3	0	0	2	2	1		3	-
12	Physics	35	20	0	4	24	11		15	-
13	Chemistry	34	30	0	1	31	3	5	9	4
14	Maths	36	16	1	6	22	14	1	21	5
15	English	35	24	0	2	27	8	1	11	2
16	AWS	29	15	0	0	15	14	2	15	-
17	TPO	3	0	0	0	0	3		3	-
18	Applied Geology	1	0	0	1	1	0		1	-
19	MOM	17	14	0	0	14	3		3	2
20	CDDM	9	5	0	3	8	1		4	2
21	IDD	3	2	0	0	2	1		1	-
22	Architecture	4	4	0	0	4	0		0	-
23	Pharmacy	5	4	0	0	4	1		1	2
	Total	740	441	1	67	509	231	16	315	23

- N.B.-1. Column 10 and 11 are prepared as per the letter No.F 1-32/2017/Tech.Edu./42/Naya Raipyr, Dt.23.5.2017 etc.
2. Rest of the Columns 1-8 as per **Affidavit** submitted by respondent State on date 13.7.2017.
3. The setup of 3 new polytechnic institutions viz. Surajpur, Berla, Kondagaon are not included in the affidavit submitted by respondents on date 21.8.2017. These are additional posts.

Vacancy Position

DIRECTORATE OF TECHNICAL EDUCATION, CHHATTISGARH, NAYA RAIPUR (CG)
DATA REGARDING ASSISTANT PROFESSORS IN GOVERNMENT ENGINEERING COLLEGES, CHHATTISGARH

As on date (With respect to Hon'ble High Court order dated 24.3.18 in WA 14/2017)

Sl. No	Branches	Total setup post of Asst. Prof.	Filled by Regular Asst. Prof. against sanctioned posts in column 3	Filled by contractual faculty against sanctioned posts in column 3	Filled by Part Time Faculty against sanctioned posts in column 3	Total filled posts of Asst. Prof.	Total vacant posts of Asst. Prof.	Resi - gned	Actual vacancy position 5+6+8 +9	Appellant posts
1	2	3	4	5	6	7	8	9	10	11
1	Civil	19	11	0	7	18	1	1	9	
2	Computer Science	12	0	1	8	9	3		12	1
3	Electrical	13	3	0	4	7	6		10	2
4	Electronics &Telecomm - unication	19	14	1	3	18	1		5	2
5	Electrical & Electronics	8	3	0	5	8	0		5	
6	Information Technology	12	0	0	7	7	5		12	
7	Mechanical	23	21	0	1	22	1		2	1
8	Mining	11	2	0	4	6	5		9	
9	Physics	9	5	0	1	6	3		4	2
10	Maths	11	9	0	0	9	2		2	2
11	Chemistry	9	7	2	0	9	0	2	4	4
12	English	6	5	0	1	6	0		1	1
13	Applied Geology	2	0	0	0	0	2		2	
14	AWS	1	0	0	0	0	1		1	
15	Applied Mechanics	1	0	0	0	0			1	
	Total	156	80	4	41	125	31	4	79	13

N.B.-1. Column 10 and 11 are prepared as per the letter No.F 1-32/2017/Tech.Edu./42/Naya Raipyr, Dt.23.5.2017 etc.

2. Rest of the Columns 1-8 as per **Affidavit** submitted by respondent State on date 13.7.2017.”

20. The State takes a stand in similar terms as had been taken in some of the cases, which have been taken note of in the previous part of the order that the appointments were on contract, the Appellants had entered into a contract, they knew very well as to what their status would be or that they cannot get any right for regularisation keeping in mind the nature of engagement. They have again taken recourse to the Constitution Bench decision of the Hon'ble Supreme Court rendered in the case of **Uma Devi** (*supra*), especially paragraph 47 as well as the cases of **Public Service**

Commission v. Girish Jayanti Lal Vaghela; (2006) 2 SCC 482, State of Karnataka & Ors v. M.L. Kesari & Ors; (2010) 9 SCC 247, State of Rajasthan v. Daya Lal; (2011) 2 SCC 429 and Dr. Smt. Archana Khare v. State of Chhattisgarh & Others; (2016) 8 SCC 293.

21. Keeping in mind that on a similar and identical matter, the decision rendered by the Division Bench of Bombay High Court in ***Sachin Ambadas Dawale*** (*supra*), had been upheld by the Hon'ble Supreme Court and the subsequent enunciation and explanation which had been given by the Hon'ble Supreme Court as to what ***Uma Devi case*** (*supra*) really meant as well as the view which the Hon'ble Supreme Court has given in the cases of contractual appointees which are the cases of ***Sheo Narain Nagar*** (*supra*) and ***Harjinder Singh*** (*supra*), it is too late in the day for the Courts to allow the State Government to forsake the Appellants on the specious plea that they were contractual employees and therefore, they have no legal protection available to them.

22. The Court, in the given facts and circumstances will have to stand by the citizens whose right to life and livelihood is at peril and we will be failing in our duty if we do not stand by them especially when their appointments have been made by due process of law against vacant sanctioned posts after advertisement and a regular selection process laid down in the Rules. It is not the case of the State that there is any element of illegality in the manner the Appellants had been hired or engaged.

23. We notice from the reading of the Rules that such selection and appointment has all the attributes of a permanent and valid appointment except for the fact that a label of contractual engagement was initially given

which was never adhered to by the State. One of the reasons which is obvious is that they needed these hands. They had no option but to continue with their services and that somewhere at the back of their mind they did not want to take the burden of financial kind by conferring status of permanency, which by itself smacks of unfairness. Resorting to 'hire and fire' has been deprecated by the Courts time and again, especially when the employer is a State. Such action cannot be given judicial approval.

24. Except for those whose services stand dispensed with after the initial hiring for reasons otherwise and those who were hired on part-time basis as well as those who have been appointed after 2012 Rules, all other appointees who have been engaged against vacant sanctioned posts under the 2002 and 2004 Rules and have continued even after coming of 2012 Rules, the basic ethos and essence of such hiring cannot be allowed to be sacrificed on the altar of so-called contractual engagement. The Respondents are directed to regularise their services on the posts being held by them. Their services cannot be dispensed with by the State at this belated hour. Steps for their regularisation must be initiated and completed within three months from the date of the production of a copy of this order.

25. In view of the reasons stated above, the impugned order passed by the learned Single Judge dated 02.01.2017 is set aside. The writ appeals are allowed to the extent of relief granted.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE