

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6841 of 2006**

1. Arjun Prasad Sharma, aged about 37 years, son of Shri Ramjilal Sharma, resident of Amaldeeha, Post Dullapur, Tah. Pandriya, District Kabirdham (CG)
2. Narayan Prasad Sahu, aged about 43 years, son of Shri Serma Sahu, resident of village Kapadah, Post Chilphi (Bangla), Tah. Pandariya, District Kabeerdham (CG)
3. Ramesh Kumar Sahu, aged about 33 years, Son of Shri Raghuwar Sahu, resident of Kapadah, Post Chilphi (Bangla), Tah. Pandariya, District Kabeerdham (CG)
4. Rambhadu Yadav, aged about 42 years, son of Shri Biru Ram Yadav, resident of Ghadoli, Post Chilphi, Tah. Lormi, Dist. Bilaspur (CG)

---- Petitioners

Versus

1. State of Chhattisgarh through the Secretary, Department of School Education, Dau Kalyan Singh Bhawan, Raipur (CG)
2. State of Chhattisgarh through the Secretary, Department of Panchayat Evam Gramin Vikas Vibhag, Dau Kalyan Singh Bhawan, Raipur (CG)

---- Respondents

For Petitioners	:	Mr.Shailendra Sharma, Advocate
For Respondents	:	Mr.Sangrash Pandey, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**8/1/2018

1. Learned counsel for the petitioners would submit that this case is squarely covered by decision of this Court rendered in WPS No.1707 of 2017 (**Jay Kumar Paraste Vs. State of Chhattisgarh and others**), decided on 14.2.2017, wherein this Court held as under:-

“3. Since the school run by the Janbhagidari Samiti has now been closed and school has been upgraded as Government School and the post of Teacher has been filled up in accordance with the relevant service rules, the Respondents cannot be directed to

absorb the services of the Petitioners by way of issuance of writ contrary to the rules.

4. It is well settled law that absorption of a person not appointed in accordance with the rules would result in denial of equal opportunity in the matter of employment to other eligible candidates for public office (**See Union of India and others Vs. Kishan Gopal Vyas, reported in 1996 (7) SCC 134**)

5. However, if the advertisement is issued for recruitment for the post of Teacher, the Petitioners are at liberty to apply for the said post and to appear in accordance with law.

6. With the aforesaid observation, all the writ petitions stand disposed of. No order as to costs."

2. Accordingly, the present writ petition is disposed off in terms of the order passed in **Jay Kumar Paraste** (supra).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-