

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7446 of 2018**

Smt. Rekha Sharma (Shukla) W/o Jagannath Sharma, Aged About 52
Years Occupation Service Assistant Professor In Government College
Sargaon, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary To The Government Of Chhattisgarh, Secretariat, Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. The Principal Secretary To The Government Of Chhattisgarh, Department Of General Administration, Secretariat, Mahanadi Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal Secretary To The Government Of Chhattisgarh Department Of Finance, Secretariat, Mahanadi Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
4. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Block- 3, Indravati Bhavan, Naya Raipur, District Raipur Chhattisgarh
5. The Regional Additional Director Of Higher Education Government Of Chhattisgarh, Raipur Division, District Raipur Chhattisgarh
6. The Regional Additional Director Of Higher Education, Government Of Chhattisgarh, Bilaspur Division, District Bilaspur, Chhattisgarh
7. The Regional Additional Director Of Higher Education, Government Of Chhattisgarh, Jagdalpur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vasant Zokarkar, Advocate
For State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14.11.2018

The challenge in the present writ petition is to the order Annexure P-1 dated 08.05.2015 whereby the State Govt. has taken a decision that the service of the petitioner would be counted only from the date he was regularized in the Department and not from the initial date of appointment

2. Counsel for the petitioner submits that the matter has already been considered at length by the Hon'ble Supreme Court in the case of State of Madhya Pradesh Vs. Satyavrata Taran, (2012) 2 SCC 83. He further submits that similarly placed persons in the State of Chhattisgarh have also been granted the said benefit in WPS No. 785 of 2015 and batch of writ petitions decided on 22.09.2015 against which writ appeals were also preferred, the leading being Writ Appeal No. 133 of 2017, all of which again were dismissed on 18.04.2017. In view of the same, counsel for the petitioner prays for a similar relief as has been granted in those writ petitions whereby the said circular has been struck down.

3. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that since the matter has already been decided by the Supreme Court as also by this Court in a batch of writ petitions and the order which has been affirmed in a batch of writ appeals by the Division Bench of this Court, the present writ petition can also be disposed of in similar terms.

4. Accordingly, the present writ petition stands allowed and disposed of subject to verification of the fact as to whether the petitioner is similarly placed like the petitioners in WPS No. 785 of 2015 and the batch of writ petitions decided on 22.09.2015 and which has been affirmed in Writ Appeal No. 133/2017 decided on 18.04.2017, the case of the petitioner be considered for grant of similar benefits which have been extended to similarly placed persons who were the petitioners in the above referred writ petition. While deciding the claim of the petitioner, the respondents shall also keep in view the judgment of the Supreme Court in the case of State of Madhya Pradesh Vs. Satyavrata Taran, (2012) 2 SCC 83. Let this exercise be completed within a period of 4 months from the date of receipt of certified copy of this order.

**Sd/-
P. Sam Koshy
Judge**