NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7868 of 2018

Neha Verma D/o Shri Raghunandan Lal Verma, aged about 25 years, R/o Dallu Auto Servicing Centre, New Aadarsh Nagar, Lorsi Road, Durg (C.G.) Occupation Guest Faculty (Maths), at Govt. Sant Guru Ghasidas P.G. College, Kurud, Dhamtari (C.G.).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Higher Education Department, Mantralaya, Mahanadi, Bhawan, Atal Nagar, Raipur, Chhattisgarh.
2. Additional Director Directorate Of Higher Education Department, Atal Nagar, Raipur, Chhattisgarh.
3. Principal Govt. Sant Guru Ghasidas P.G. College, Kurud, Dhamtari (C.G.).

---Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/12/2018

1. The petitioner in the present writ petition is aggrieved by the decision of the State Govt. dated 09.10.2018 Annexure P/1 whereby the State Govt., as a precautionary measure, has directed the concerned Principals of the Govt. Colleges not to appoint any Guest Faculty in respect of those subjects where in previous years the arrangement was being made by way of Guest Faculty.
2. The instruction so issued by the State Govt. appears to be in the light of some directions given by this Court in a couple of writ petitions, the leading of which being WPS No. 4938 of 2018 and other analogous matters which came up for hearing before this Court and where this Court had granted interim relief on 31.07.2018.

3. According to the petitioner, she had already been granted appointment and by virtue of appointment, she is still discharging her duties. Contention of the counsel for the petitioner is that the college in which the petitioner is working and also the subject which the petitioner is teaching, as on date there is no litigation in as much as there is no writ petition against the said college and also against the subject in which the petitioner is teaching pending before any Court of law. The petitioner submits that the same persons had earlier filed a writ petition before this High Court vide WPS No. 7343/2018, however without there being any substantial order, the writ petition was withdrawn on 16.11.2018. It is the further contention of the petitioner that the order Annexure P/1 dated 09.10.2018 is only an order passed by the department to avoid a situation of contempt of Court. According to the petitioner, the contempt of Court would arise only in the event of there being a specific direction or a writ issued against a particular college or against a particular subject which in the instant case does not exist.
4. This fact is not disputed by the State counsel.
5. Given the said facts and also taking note of the directions given by this Court vide order dated 31.07.2018 in the bunch of writ petitions, it is evidently clear that this Court had granted interim protection to only those specific petitioners who had approached the High Court and the interim protection also was confined to the subject against which each of the petitioners were working. This Court in the subsequent series of litigation of similar nature had specifically mentioned that the recruitment process, if any, would be permitted to be continued except for filling up those posts where there is a claim by the previous academic sessions' guest faculties and the said interim order would

come into force only in the event of the posts are lying vacant and it has not been filled up before the interim orders were passed by this Court.

6. Given the aforesaid facts, this Court is of the opinion that the services of the petitioner since have not been questioned in any other writ petition and that the petitioner is still by virtue of appointment granted to her continuing in service, her services should not be discontinued.

7. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Sumit