

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8162 of 2018

Shiv Prasad Gupta S/o Laxmi Prasad Gupta Aged About 38 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Bharatpur, Block School, Bharatpur, Block Sitapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat, Surguja, (Ambikapur), District Surguja, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat Sitapur, District Surguja, Chhattisgarh.
4. The President, Janpad Panchayat Sitapur, District Surguja, Chhattisgarh.

---Respondents

WPS No. 8017 of 2018

Ahilya Paikra D/o Shri Surendra Kumar Paikra Aged About 32 Years Presently Posted As Assistant Teacher (Panchayat), At Government Rajiv Gandhi Balika Ashram Sitapur, Janpad Panchayat Sitapur R/o Village Sontarai, Tahsil Sitapur, District Surguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 8021 of 2018

Anurag Barai S/o Shri Niranjana Barai Aged About 31 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Dharampur, Janpad Panchayat Sitapur, R/o Village Sitapur, Tahsil Sitapur, District - Surguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7932 of 2018

Monika Gupta D/o Shri Indra Prasad Gupta Aged About 34 Years Presently Posted As Assistant Teacher (Panchayat), At Government Girls Primary School Rajauti, Janpad Panchayat Sitapur, R/o Village Rajauti, Tahsil Sitapur, District- Sarguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7939 of 2018

Kedar Gupta S/o Shri R. K. Gupta Aged About 33 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Gersa, Janpad Panchayat- Sitapur, R/o Village- Belgaon, Tahsil- Sitapur, District- Sarguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7940 of 2018

Raj Kumar Gupta S/o Shri Goverdhan Aged About 33 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School Parsa, Janpad Panchayat Sitapur, R/o Village Parsa, Tahsil Sitapur, District- Sarguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7941 of 2018

Sunil Kumar Baghel S/o Shri Dharmu Ram Baghel, Aged About 33 Years Presently Posted As Assistant Teacher (Panchayat) At Government Girls Middle School Bhushu, Janpad Panchayat Sitapur, R/o Village Bhushu, Tahsil Sitapur, District Sarguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7967 of 2018

Ramkumar Kansari S/o Shri Chaitan Kansari Aged About 43 Years Presently Posted As Assistant Teacher (Panchayat), At Primary School Bijapara, Janpad Panchayat Sitapur R/o Village Sitapur, District Sarguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.

3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7957 of 2018

Smt. Nemhanti Minj D/o Shri A.K. Minj Aged About 52 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School Pandaripani Janpad Panchayat Sitapur R/o Village Suryapara ,tahsil Sitapur District Surguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7958 of 2018

Arun Kumar Toppo S/o Shri R. J. Toppo Aged About 33 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Bharatpur, Janpad Panchayat Sitapur, R/o Village Bharatpur, Tahsil Sitapur, District Sarguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7968 of 2018

Geeta Ekka D/o Shri Kalpnath Ekka Aged About 34 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Jamjhariya, Janpad Panchayat Sitapur R/o- Village Surishpur, Tahsil Pathalgaon, District- Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7982 of 2018

Smt. Neetu Bakhala D/o Late Shri J. Bakhala Aged About 38 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Junapara, Janpad Panchayat Sitapur, R/o Village Devgarh, Tahsil Sitapur, District- Sarguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7965 of 2018

Smt. Laxmi Soni W/o Shri J. K. Gupta Aged About 51 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Sontarai, Janpad Panchayat Sitapur, R/o Village Sitapur, Tahsil Sitapur, District- Sarguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 7950 of 2018

Dinesh Kerketta S/o Shri Kenda Kerketta Aged About 34 Years Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Bagdoli, Janpad Panchayat Sitapur, R/o Village Murta, Tahsil Kunkuri, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 8033 of 2018

Rajendra Prasad S/o Shri Jagannath Ram Aged About 45 Years Presently Posted As Assistant Teacher (Panchayat), At Primary School Gersa, Janpad Panchayat Sitapur, R/o Village Sentarai, Tahsil Sitapur, District Sarguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Sarguja Chhattisgarh.
4. Block Education Officer Sitapur District Sarguja Chhattisgarh.

---Respondents

WPS No. 8095 of 2018

Rekha Mishra W/o Shri Prabhat Kumar Mishra Aged About 47 Years Presently Posted As Assistant Teacher (Panchayat), At Government Rajiv Gandhi Balika Ashram Sitapur, Janpad Panchayat Sitapur, R/o Mulajimpara Main Road Sitapur, Tahsil Sitapur, District- Sarguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh.

2. Chief Executive Officer Zila Panchayat, Surguja District Surguja Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Sitapur District Surguja Chhattisgarh.
4. Block Education Officer Sitapur District Surguja Chhattisgarh.

---Respondents

For Petitioners	:	Mr. Harish Khuntiya, Advocate Mr. Mateen Siddiqui, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate
For respondents/Panchayat	:	Mr. Syed Majid Ali, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/12/2018

1. Since in these bunch of writ petitions, the issue involved is common and the respondents also being common, these bunch of writ petitions are being disposed of by this common order.
2. The relief sought for by each of the petitioners in this bunch of writ petitions is for a direction to the respondents to consider the candidature of the petitioners for regularization on the post of Assistant Teacher (Panchayat) w.e.f. 28.11.2009 i.e. immediately on their completing 2 years of service from the initial date of appointment.
3. Perusal of the record would show that the case of each of the petitioners had been scrutinized at the Janpad level and there is a resolution passed by the Janpad in favour of the petitioners vide resolution dated 14.08.2017. Later on, the respondent no.3 also i.e. the Chief Executive Officer, Janpad Panchayat, Sitapur has also recommended the case of the petitioners for regularization to the Chief Executive Officer, Zila Panchayat, Surguja i.e. the respondent No.2.

4. Though, a couple of recommendations have been made to the respondent No.2, but no decision has been taken by the authorities concerned, till date. The respondents, in turn, have filed a detail reply and along with the reply, there is this document Annexure R/3.8 dated 08.08.2018, which reflects that the Collector, who was appraised of the grievance of the petitioners has passed an order for due verification of the claim of the petitioners for regularization. That for the said purpose, the Collector has also constituted a committee, as is reflected from the document Annexure R/3.8.
5. During the course of hearing, the counsel appearing for the respondent No.3 also fairly submits that subject to the verification of the credentials of the petitioners, appropriate order would be passed so far as regularization is concerned, at the earliest.
6. Given the aforesaid submissions and contentions and also taking note of the document Annexure R/3.8, the correspondence made by the Collector, Surguja, this Court is of the opinion that it appears that the case of the petitioners are in the process of consideration and subject to verification, their claim would be decided in accordance with the rules and regulations.
7. In view of the same, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petitions pending any further. Accordingly, these writ petitions stands disposed of with a direction to the respondent No.3 to take a decision at the earliest, of course subject to verification of the credentials of the petitioners as has been directed by the Collector, vide his order dated 08.08.2018.

8. It is expected that the authorities would conclude the verification part also at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
9. With the aforesaid observations, all these writ petitions stand disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved