

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 417 of 2019**

Ku. Kokila Gajendra D/o Bhagirathi Gajendra, Aged About 24 Years
Occupation Guest Faculty (Maths) Govt. Lal Shyam Shah Navin College,
Mohla, District Rajnandgaon Chhattisgarh. R/o Village Mohla (Sidhartha
Nagar), District Rajnandgaon Chhattisgarh., District : Rajnandgaon,
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary, Higher Education Department, Mantralaya, Indiravati Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner Higher Education, Block C - 3, 2nd And 3rd Floor, Indiravati Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Principal Govt. Lal Shyam Shah Navin College Mohla, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rupesh Shrivastava, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/01/2019**

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, 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. 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. However, according to the petitioner pursuant to the instructions dated 09/01/2010 the respondents have vide their order dated 15/01/2019 have discontinued the services of the petitioner. The order of discontinuance according to the petitioner was only on the basis of the instructions received from the Higher authorities in respect of the circular dated 9/10/2018.

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 categorical statement by the petitioner that there was no litigation against the respondent No. 3, College in respect of the

appointment of the petitioner or to the advertisement through which the petitioner was selected and also the categorical statement by the petitioner that there has been no replacement made by the department till date, subject to the verification, this Court is of the opinion that order of termination issued by the respondent No. 3 on 15/10/2019 is not proper, legal and justified and the same to that extent stands set aside/quashed with specific directions that the petitioner should be reinstated without any further delay after due verification of the aforesaid facts.

7. With the aforesaid observation, the writ petition stands allowed and disposed of.

Sd/-

(P. Sam Koshy)
Judge

Rohit