

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 948 of 2019

Sumerilal Nishad S/o Lalla Ram Nishad Aged About 56 Years R/o Village Kewat Nawagarh, Post Suregaon, Tahsil Doundilohara, District- Balod, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Rural Welfare, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
2. Secretary Department Of School Education, State Of Chhattisgarh, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
3. Director, Panchayat And Rural Welfare, State Of Chhattisgarh, Raipur, District- Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Kaushal Yadav, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/02/2019

1. The present writ petition has been filed seeking direction for the respondents to decide the case of the petitioner for being reinstated in service.
2. Perusal of record would show that, the petitioner was initially appointed as [Guruji \(Aupcharikettar Shikshak\) at Kewat Nawagaon Aupcharikettar Shikshak Kendra](#). The petitioner had worked as Shikshak at the said centre [between 1989 to 1998](#) and further it was continued [up till the year 2000](#) when the services of the petitioner stood discontinued and the centre itself were closed. From 2000 till 2019, the petitioner was out of employment. During this 19 years of time, the petitioner has not raised the dispute before any forum,

neither had he challenge the order of discontinuance before any Court of law.

3. Given the aforesaid facts this Court is of the opinion that, the instant petition suffers from delay and latches.
4. Moreover, it is also brought to the notice of this Court that, new rules have been enacted and all subsequent recruitments are being made in accordance with rules and that the petitioner in the instant writ petition does not have the qualification of B.Ed./D.Ed./I.T.I.
5. Since the petitioner is out of employment for the last 19 years, it is sufficient to hold that the petition suffers from delay and latches.
6. Moreover, the petitioner does not even have the minimum qualification required for being appointed as either Shiksha Karmi or as a Teacher, which is a mandatory requirement under the rules governing the field as on date.
7. The writ petition therefore stands dismissed on the ground of delay itself.

Sd/-
(P. Sam Koshy)
Judge