

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1010 of 2019**

Wazid Hasan S/o Shri Maqbool Hasan, Aged About 32 Years, Posted As Assistant Teacher (Panchayat) In The Govt. Primary School, Belgehna, Cluster Gourela, Block Gourela, Tehsil Pendra Road, District Bilaspur Chhattisgarh, R/o Opp. State Bank Of India, Rest House Road, Gourela, Pendra Road, Thana Gourela, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department Secretariat, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Gourela, District Bilaspur, Chhattisgarh
5. District Education Officer, District Bilaspur, Chhattisgarh
6. Block Education Officer, Block Gourela, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sunil Kumar Soni, Advocate
For State	:	Shri Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.02.2019**

1. The prayer made by the petitioner in the present writ petition is for a direction to the respondents to count the services of the petitioner from the date of appointment and not from the date of joining. The petitioner has further sought for absorption in the School Department as per the policy of the State Govt. dated 30.06.2018.
2. The contention of the counsel for the petitioner is that as per the policy of the State Govt. dated 30.06.2018, those Teachers (Panchayat/Urban Administration Department) who had completed 8 years of service as on 01.07.2018 were to be considered for absorption. The said policy was further modified vide order dated 02.07.2018 by the Secretary, School Education Department whereby it was further ordered that all those who have completed 8 years of service as on 01.07.2019 would also be considered for absorption and the said process would further be continued by 1st of January and 1st of July of each year to ascertain the completion of 8 years of service of the Teachers (Panchayat /Urban Administration Department) for the purpose of absorption.
3. According to the petitioner, he was granted appointment vide order dated 30.06.2010 and as such he completed 8 years of service on 29th June, 2018. According to the petitioner, he had given joining with the Department on 02.07.2010 and if 02.07.2010 is also taken into consideration as the date for counting 8 years of service, the petitioner has completed 8 years of service on 1st of July, 2018 and

even then the petitioner would be entitled for the benefit as is envisaged in the policy dated 30.06.2018 which was revised on 02.07.2018. Counsel for the petitioner submits that this Court has already in a bunch of writ petitions, the leading of which being WPS No. 5559/2018 decided a similar issue vide order dated 31.10.2018.

4. The aforesaid factual matrix of the case is not disputed by the State counsel.
5. Given the facts and circumstances of the case, this Court is of the opinion that the claim of the petitioner also squarely fits into the circular dated 30.06.2018 which was revised on 02.07.2018 and the petitioner would be entitled for absorption of service with the School Education Department subject to the petitioner's fulfilling all other eligibility criteria required for absorption, if any.
6. Accordingly, the writ petition stands disposed of with a direction to the authority concerned to consider and decide the claim of the petitioner for absorption in accordance with the policy prevailing, within an outer limit of 90 days from the date of receipt of copy of this order.

Sd/-
P. Sam Koshy
Judge