

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 1413 OF 2019**

1. Ku. Sangita Bawali D/o Shri Sachindra Bawali Aged About 26 Years Guest Faculty (Maths) At, Naveen Govt. College Bhairamghar District Bijapur Chhattisgarh. R/o 25 Ward - 2 P.V. 22 Lakhanpur Kanker Mixed Form Chhattisgarh. 494776
2. Desh Kumar Nag S/o Shri Narayan Singh Nag Aged About 27 Years Guest Faculty (Botany) At, Naveen Govt. College Bhairamghar District Bijapur Chhattisgarh, 493770. R/o H.No. 146, Ward No. 10, Kahgaon District Rajnandgaon Chhattisgarh. 491229
3. Dinesh Kumar D/o Shri Anandram Aged About 27 Years Guest Faculty (English), R/o Village - Khursipar Post - Atargaon Tehsil - Churiya, District Rajnandgaon Chhattisgarh. 491661.
4. Debabrata Ghosh S/o Shri Duryadhan Ghosh Aged About 24 Years Guest Faculty (Zoology), R/o 81/j Ward No. 15, P.V. - 116, Pakhanjore, Pakhanjur District Kanker Chhattisgarh. 494776

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Versus

1. State Of Chhattisgarh Through The Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Additional Director, Director Of Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. Commissioner Higher Education Department, Block - C 3, 2nd And 3rd Floor, Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh.
4. Principal, Naveen Govt. College Bhairamgarh District Bijapur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Chandradeep Prasad, Advocate.
For State	:	Shri Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam KoshyOrder on Board05.03.2019

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

Faulty 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, **they** had already been granted appointment and by virtue of appointment, they **are** still discharging **their** duties. Contention of the counsel for the **petitioners are** that the college in which the **petitioners are** working and also the subject which the **petitioners are** 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 **petitioners are** teaching. It is the further contention of the **petitioners** 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 **petitioners**, 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 petitioners are still by virtue of appointment granted to their continuing in service, their services should not be discontinued.
7. So far as the claim of the petitioners for remuneration as per the UGC regulations is concerned, let petitioners prefer an appropriate representation to the appointing authority in this regard who in turn shall take appropriate decision in accordance with the rules, guidelines and regulations governing the field, within an outer limit of 90 days from the date of receipt of the representation.
8. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge