

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1318 of 2019

Manoj Kumar Kanwar S/o Lachchhiram Kanwar, Aged About 36 Years, Presently Posted Lecturer (Panchayat) At Goverment Higher Secondary School, Moharsop, R/o Village Kurudih, Tahsil Kartala, District Korba, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, School Education Department Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Surajpur, District Surajpur, Chhattisgarh.
4. District Education Officer, Surajpur, District Surajpur, Chhattisgarh.
5. Block Education Officer, Block Ongadi, District Surajpur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Waquar Naiyer, Advocate.
For State	:	Shri Rahul Mishra, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/02/2019

1. The prayer made by the petitioner in the instant Writ Petition is for issuance of direction to the respondents to count the petitioner's service from the date of appointment and not from the date of joining.
2. The petitioner had been seeking this relief so as to obtain the benefit of absorption in the School Education Department as per the policy of the State Government dated 30.06.2018 (Annexure P/3).

3. The matters pertains to absorption of those Teachers (Panchayat/Urban Administration Department), whose services have been taken by the School Education Department should be absorbed as per the policy dated 30.06.2018. As per the said policy, whoever has 8 years of service as on 01.07.2018 would be considered for absorption.

4. Subsequently, another order was passed on 02.07.2018 by the Secretary, School Education Department whereby it has been ordered that all those Teachers (Panchayat/Urban Administration Department) who have completed 8 years of service as on 01.07.2019 would be again considered for absorption and this process thereafter would be continued on the completion of 8 years of service by the department by the first of January as also by the first of July each year for the purpose of absorption.

5. So far as present matter is concerned, the petitioner was appointed vide order dated 21.06.2010 and he/she has given his/her joining on 02.07.2010. Even accepting 02.07.2010 to be the date of appointment, the petitioner undisputedly complete his/her 8 years of service on 01.07.2018.

6. In the given facts, so far as the petitioner is are concerned, his/her claim squarely falls within the circular dated 30.06.2018 for the purpose of absorption and this Court does not find any good reason for not granting the benefit in accordance with the policy dated 30.06.2018 to the petitioner herein subject to the petitioner fulfilling the other eligibility criteria required for absorption if any under the Rules.

7. Given the aforesaid factual matrix of the case, this Court is of the opinion that since the petitioner has 8 years of service as on 01.07.2018 even from the date of joining i.e. 02.07.2010, the present Writ Petition can be disposed off with a direction to the concerned respondents to consider and decide the petitioner's claim for absorption in accordance with the policy prevalent and the rules governing the field within a period of 90 days from the date of receipt of certified copy of this order.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit