

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1295 of 2019

Sijuvendra Sao S/o Anant Gopal Sao Aged About 38 Years Presently Posted Lecturer (Panchayat) At Government Higher Secondary School, Koteya, R/o Balco Nagar, Korba Tahsil And 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 Premnagar, District Surajpur Chhattisgarh

---Respondents

AND

WPS No. 1302 of 2019

Krishna Kumar Dhruw S/o Rati Ram Dhruw Aged About 34 Years Presently Posted Lecturer (Panchayat) At Government Higher Secondary School, Koteya, R/o Village Pachotiya, Tahsil And District Mungeli 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 Premnagar, District Surajpur Chhattisgarh

---Respondents

AND

WPS No. 1304 of 2019

Sudhakar Tigga S/o Michail Tigga Aged About 36 Years Presently Posted Teacher (Panchayat) At Government Middle School, Raikera, R/o Village Bhelwatoli Tahsil Kunkuri District- Jashpur, 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 Raigarh, District Raigarh, Chhattisgarh
4. District Education Officer Raigarh District Raigarh Chhattisgarh
5. Block Education Officer Block Ghorghoda, District Raigarh Chhattisgarh

---Respondents

AND

WPS No. 1305 of 2019

Reshama Kerketta W/o Late Shri Visent Kerketta Aged About 35 Years Presently Posted Lecturer (Panchayat) At Government Higher Secondary School Augustpur, R/o Village Girag, Tahsil And District Jashpur, 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 Surguja, Ambikapur, District Surguja, Chhattisgarh
4. District Education Officer Ramanujganj, District Surguja Chhattisgarh
5. Block Education Officer Block Ramanujganj, District Surguja Chhattisgarh

---Respondents

For Petitioners	:	Mr. Waquar Naiyer, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/02/2019

1. The relief sought for and the subject matter in all these Writ Petitions being common, this Court proceeds to decide the matters by this common order.
2. The prayer made by the petitioners in all these Writ Petitions is for issuance of direction to the respondents to count the petitioners' service from the date of appointment and not from the date of joining.
3. The petitioners 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).
4. 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.
5. 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.

6. So far as present matters are concerned, all these petitioners were appointed vide order dated 21.06.2010 and they had given their joining on 02.07.2010. Even accepting 02.07.2010 to be the date of appointment, the petitioners undisputedly complete their 8 years of service on 01.07.2018.
7. In the given facts, so far as the petitioners herein are concerned, their 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 petitioners herein subject to the petitioners fulfilling the other eligibility criteria required for absorption if any under the Rules.
8. Given the aforesaid factual matrix of the case, this Court is of the opinion that since the petitioners have 8 years of service as on 01.07.2018 even from the date of joining i.e. 02.07.2010, the present Writ Petitions can be disposed off with a direction to the concerned respondents to consider and decide their 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.
9. All the Writ Petitions accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge