

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2479 of 2019

Sheela Patel W/o Yogendra Patel Aged About 34 Years Presently Posted Lecturer (Panchayat) At Government Higher Secondary School, Kusmura, R/o Atal Vihar Colony, Kotra Road, Raigarh Tahsil And District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, School Education Department, Mahanandi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Secretary Panchayat And Rural Development Department, Mahanandi 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 Raigarh District Raigarh Chhattisgarh

---Respondents

For petitioner : Shri Faisal Akhtar, Advocate.

Hon'ble Shri Justice P. Sam KoshyOrder on Board04/04/2019

1. The relief sought for and the subject matter in the Writ Petition being common, this Court proceeds to decide the matter by this common order.
2. The prayer made by the petitioner in the Writ Petition is for issuance of direction to the respondents to count the petitioner service from the date of appointment and not from the date of joining.
3. 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).

4. The matter pertains to absorption of this Teachers (Panchayat/Urban Administration Department) whose service has been taken by the School Education Department should be absorbed as per the policy dated 30/06/2018.
5. As per the said policy, who has 8 years of service as on 01/07/2018 would be considered for absorption.
6. Subsequently, another order was passed on 02/07/2018 by the Secretary, School Education Department whereby it has been ordered that teacher (Panchayat/Urban Administration Department) who has 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.
7. So far as present matter is concerned, this petitioner was appointed vide order dated 21/06/2010 and she had given her joining on 02/07/2010.
8. Even accepting 02/07/2010 to be the date of appointment, the petitioner undisputedly complete her 8 years of service on 01/07/2018.
9. In the given facts, so far as the petitioner herein is 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 petitioner herein subject to the petitioner fulfilling the other eligibility criteria required for absorption if any under the Rules.

10. 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 her 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.
11. The writ petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE