

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1949 of 2019

Neelu Singh W/o Virendra Singh Aged About 35 Years Presently Posted Teacher (Panchayat) At Government Middle School, Chachiya, R/o Village Chachiya 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 Korba District Korba Chhattisgarh.
4. District Education Officer Korba District Korba Chhattisgarh.
5. Block Education Officer Block Korba District Korba Chhattisgarh.

---Respondents

AND

WPS No. 1953 of 2019

Smt. Abhilasha Vishkarma W/o Tarun Vishkarma Aged About 35 Years Presently Posted Lecturer (Panchayat) At Government Higher Secondary School, Korkoma, R/o MIG-I/72 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 Korba District Korba Chhattisgarh.
4. District Education Officer Korba District Korba Chhattisgarh.
5. Block Education Officer Block Korba District Korba Chhattisgarh.

---Respondents

AND

WPS No. 1983 of 2019

Shanilal Ratnakar S/o Ramsay Ratnakar Aged About 41 Years
Presently Posted Lecturer (Panchayat) At Government Higher
Secondary School, Jawali, R/o Village Mudapar, Tahsil Pali, 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 Korba District Korba
Chhattisgarh.
4. District Education Officer Korba District Korba Chhattisgarh.
5. Block Education Officer Block Korba District Korba Chhattisgarh.

---Respondents

For Petitioners	:	Mr. Waquar Naiyer, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

19/03/2019

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.
5. As per the said policy, whoever 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 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.
7. So far as present matters are concerned, all these petitioners were appointed vide order dated 30/06/2010 and they had given their joining on 02/07/2010.
8. Even accepting 02/07/2010 to be the date of appointment, the petitioners undisputedly complete their 8 years of service on 01/07/2018.

9. 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.
10. 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.
11. All the Writ Petitions accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved