

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2091 of 2019

Sitaram Barekar S/o Heeraram Barekar Aged About 42 Years Presently Posted Lecturer (Panchayat) At Government Higher Secondary School Dindori, R/o Village Dindori, Tahsil Lormi, District - Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Petitioner

Versus

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

---Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/04/2019

1. The default pointed out by the Registry for the moment stands ignored. With the consent of the parties, the matter is heard and is being finally disposed off at the motion stage.
2. The prayer made by the petitioner in this writ petition is for issuance of a direction to the respondents to count the petitioner's 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.
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 matter is concerned, the petitioner was appointed vide order dated [23/06/2010](#) and he had given his joining on [28/06/2010](#). [Accepting 28/06/2010](#) to be the date of appointment, the petitioner undisputedly complete his 8 years of service on [27/06/2018](#).
7. In the given facts, so far as the petitioner herein is concerned, his 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's 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 petitioner has 8 years of service as on 01/07/2018 even from the date of joining i.e. 28/06/2010, the present Writ Petition can be disposed off with a direction to the concerned respondents to consider and decide his 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. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved