NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO.2568 OF 2019

1. Mohankrishna Sahu S/o Bhuwaneshwar Prassad Aged About 23 Years Guest Lecturer (Economic) Govt. D.R.S. College Kasdole, District Balodabazar Bhatapara, Chhattisgarh.

…Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya Naya Raipur District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2. Commissioner Higher Education Department, Directorate, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Principal Govt. D.R.S. College Kasdole District Balodabazar Bhatapara, Chhattisgarh.

… Respondent(s)

For Petitioner	:	Shri CJK Rao, Advocate.
For Respondent-State	:	Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.04.2019

1. The petitioner in the present writ petition is aggrieved by the decision of the State Govt. dated 09.10.2018 Annexure P-1 whereby the State Govt., as a precautionary measure, has directed the concerned Principals of the Govt. Colleges not to appoint any Guest Faulty in respect of those subjects where in previous years the arrangement was being made by way of Guest Faculty.

2. The instruction so issued by the State Govt. appears to be in the light of some directions given by this Court in a couple of writ petitions, the leading of which being WPS No. 4938 of 2018 and other analogous matters which came up for hearing before this Court and where this Court had granted interim relief on 31.07.2018.

3. According to the petitioner, he had already been granted appointment and by virtue of appointment, he is still discharging his duties. Contention of the counsel for the petitioner is that the college in which the petitioner is working and also the subject which the petitioner is teaching, there is no litigation in as much as there is no writ petition against the said college and also against the subject in which the petitioner is teaching. It is the further contention of the petitioner that the order Annexure P-1 dated 09.10.2018 is only an order passed by the department to avoid a situation

of contempt of Court. According to the petitioner, the contempt of Court would arise only in the event of there being a specific direction or a writ issued against a particular college or against a particular subject which in the instant case does not exist.

4. This fact is not disputed by the State counsel.

5. Given the said facts and also taking note of the directions given by this Court vide order dated 31.07.2018 in the bunch of writ petitions, it is evidently clear that this Court had granted interim protection to only those specific petitioners who had approached the High Court and the interim protection also was confined to the subject against which each of the petitioners were working. This Court in the subsequent series of litigation of similar nature had specifically mentioned that the recruitment process, if any, would be permitted to be continued except for filling up those posts where there is a claim by the previous academic sessions' guest faculties and the said interim order would come into force only in the event of the posts are lying vacant and it has not been filled up before the interim orders were passed by this Court.

6. Given the aforesaid facts, this Court is of the opinion that the services of the petitioner since have not been questioned in any other writ petition and that the petitioner is still by virtue of appointment granted to his continuing in service, his services should not be discontinued.

7. So far as the claim of the petitioner for remuneration as per the UGC regulations is concerned, let petitioner prefer an appropriate representation to the appointing authority in this regard who in turn shall take appropriate decision in accordance with the rules, guidelines and regulations governing the field, within an outer limit of 90 days from the date of receipt of the representation.

8. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder