

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2748 of 2019

Murlidhar Patel S/o Dileshwar Patel, Aged About 33 Years Working As Teacher (Panchayat) At Government Upper Primary School, Gonda, Block Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh.
2. Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer, Zila Panchyat Raigarh, District Raigarh (CG).
4. District Education Officer, Raigarh District Raigarh Chhattisgarh.
5. Block Education Officer, Sarangarh, District Raigarh Chhattisgarh.

---Respondents

Writ Petition (S) No. 2750 of 2019

Padman Kumar Patel S/o Janak Ram Patel Aged About 37 Years Working As Teacher (Panchayat) At Govt. Upper Primary School, Saraipali Block Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh.
2. Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer, Zila Panchyat Raigarh, District Raigarh (CG).
4. District Education Officer, Raigarh District Raigarh Chhattisgarh.
5. Block Education Officer, Sarangarh, District Raigarh Chhattisgarh.

---Respondents

Writ Petition (S) No. 2764 of 2019

Smt Sheela Tripathy W/o Pradeep Kumar Mishra Aged About 36 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary, School, Godam, Block Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh.
2. Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer, Zila Panchyat Raigarh, District Raigarh Chhattisgarh.
4. District Education Officer, Raigarh District Raigarh Chhattisgarh.
5. Block Education Officer, Sarangarh, District Raigarh Chhattisgarh.

---Respondents

For Petitioners	:	Shri Govind Dewangan, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

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

11/04/2019

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 21/06/2010 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. Accordingly all the writ petitions stand disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder