

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2629 of 2019**

Suryakant Pandey S/o B. N. Pandey Aged About 37 Years Presently Working As Teacher Panchayat At Govt. Middle School, Sagaunadih, Block Pandariya, Distict- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Distict- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Distict- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Director Public Instructions, Directorate Of Education, Atal Nagar, Raipur, Distict- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Commissioner-Cum-Director Directorate Of Panchayat, Atal Nagar, Raipur, Distict- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. Chief Executive Officer Zila Panchayat, Kabirdham, Distict- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
6. District Education Officer Kabirdham, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

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For Petitioner	:	Mr. CJK Rao, Advocate.
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For State	:	Mr. Rahul Mishra, Dy. GA
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/04/2019**

1. The grievance of the petitioner in the present writ petition is that the petitioner was initially appointed as a Shiksha Karmi Grade-III in the year 2010 under the Janpad Panchayat, Pandariya and later on an advertisement was published for the post of Shiksha Karmi Grade-II under

the Zila Panchayat, Kabirdham for which the petitioner had applied and while applying, he had also applied for grant of NOC in the Department, which was not finalized.

2. The petitioner has already completed 8 years of service, if the service under the Municipal Council is taken into account, but the respondents have not granted the benefits of absorption as the earlier service has not been counted since the petitioner did not have an NOC.
3. The State Government vide their circular dated 13.07.2018 have relaxed the clause to the extent that the State Government has permitted absorption to even those candidates, who had also applied for NOC, but were not granted, treating it to be deemed to have been granted.
4. Perusal of the record would show that the petitioner also appears to have applied for the same, but was not granted and therefore, it would be a case where, as per the circular dated 13.07.2018, the petitioner also would fall under the category of deemed to have been granted NOC.
5. Given the facts, subject to verification of the record, so far as the application, if any, made by the petitioner, the respondents are directed to consider the case of the petitioner for absorption keeping in view the circular dated 13.07.2018 particularly direction No.1 in the said circular.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit