

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 2956 of 2019

- Prashant Sharap S/o Kalakanhu Sharap Aged About 40 Years Presently Posted Teacher (Panchayat) At Government Middle School Barpali, Baramkela, R/o Nagar Panchayat Sariya District Raigarh 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 Raigarh District Raigarh Chhattisgarh.
4. District Education Officer Raigarh, District Raigarh Chhattisgarh.
5. Block Education Officer Block Baramkela District Raigarh Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Mateen Siddiqui, Advocate
For State/respondent	: Shri Jitendra Pali, Deputy Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/04/2019

1. The prayer made by the petitioner in this Writ Petition is for issuance of direction to the respondents to count the petitioner service from the date of appointment and not from the date of joining.

2. 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 (Annexure-P/3).
3. The matter pertains to absorption of those Teachers (Panchayat/Urban Administration Department) whose services have been taken by the School Education Department be absorbed as per the policy dated 30/06/2018.
4. 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, petitioner was appointed vide order dated 21/06/2010 and he was given his joining on 05/07/2010. Accepting 05/07/2010 to be the date of joining, the petitioner undisputedly completes his 8 years of service on 04/07/2018. As such the petitioner would be entitled for being considered for absorption as per the circular dated 02/07/2018 in respect of those persons who have completed 8 years of service on 01/07/2019.

7. In the given facts, so far as the petitioner herein is concerned, since he has completed 8 years of service only on 04/07/2018 for all practical purposes the petitioner would have to be considered for absorption in accordance with the circular dated 02/07/2018 wherein the case of the petitioner would have to be considered by the department on his completing 8 years of service as on 01/01/2019.
8. Given the aforesaid factual matrix of the case, this Court is of the opinion that since the petitioner has completed 8 years of service as on 04/07/2018. The petitioner would be entitled to be considered for absorption in accordance with the circular dated 02/07/2018. Accordingly the writ petition stands disposed off with a direction to respondents to consider and decide the claim of the petitioner in accordance with the circular dated 02/07/2018 passed by Government in this regard within a period of 90 days from the date of receipt of copy of this order.
9. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge