

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3914 of 2019**

1. Smt. Chitra Sahu W/o Shri Harsh Dev Sahu, Aged About 40 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Dudhali, Block Doundilohara, District Balod Chhattisgarh
2. Smt. Arpana Verma D/o Shri Gulal Singh Katingal, Aged About 33 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Sanjari, Block Doundilohara, District Balod Chhattisgarh
3. Tej Ram Latiye S/o Jouhar Lal Latiye, Aged About 47 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Badgaon, Block Doundilohara, District Balod Chhattisgarh
4. Lochan Prasad Sahu S/o Late Shri Jaylal Sahu Aged About 43 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Badgaon, Block Doundilohara, District Balod Chhattisgarh
5. Kadambini Yadav D/o Shri L.P. Yadav, Aged About 36 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Badgaon, Block Doundilohara, District Balod Chhattisgarh
6. Bhenumati D/o Shri Bhushan Lal, Aged About 36 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Badgaon, Block Doundilohara, District Balod Chhattisgarh
7. Smt. Khileshwari Tiwari W/o Shri Shailendra Kumar Tiwari, Aged About 37 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Badgaon, Block Doundilohara, District Balod Chhattisgarh

8. Virendra Kumar Dehari S/o Ajit Singh Dehari, Aged About 33 Years Working As Teacher (Panchayat) And Posted At Govt. Higher Secondary School Badgaon, Block Doundilohara, District Balod Chhattisgarh
9. Arti Choudhari D/o Shri Satywan Choudhari, Aged About 33 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Ranakhujji, Block Doundilohara, District Balod Chhattisgarh
10. Durga Ram Jurri S/o Shri Bisaruram Jurri, Aged About 39 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Devri Bangla, Block Doundilohara, District Balod Chhattisgarh
11. Smt. Kaishrin Baig W/o Shri Emam Baig, Aged About 38 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Bhandera, Block Doundilohara, District Balod Chhattisgarh
12. Smt. Ruchita Choursiya W/o Shir Shiv Kumar Choursiya, Aged About 38 Years Working As Teacher (Panchayat) And Posted At Govt. Middle School Suregaon, Block Doundilohara, District Balod Chhattisgarh
13. Kirti Kumar Chandrakar S/o Shri Sewak Lal Chandrakar, Aged About 40 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Suregaon, Block Doundilohara, District Balod Chhattisgarh
14. Manoj Kumar Rangari S/o Shri Bharat Singh Rangari, Aged About 32 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Bhimkanhar, Block Doundilohara, District Balod Chhattisgarh

15. Smt. Vijay Laxmi Thakur W/o Shri Janak Kumar, Aged About 31 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Dudhali, Block Doundilohara, District Balod Chhattisgarh
16. Humesh Kumar Sahu S/o Shri Domar Singh Sahu, Aged About 37 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Sorar, Block Gurur, District Balod Chhattisgarh
17. Smt. Dehuti Kothari W/o Kamlesh Kumar Kothari, Aged About 34 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Bakulwahi, Block Narayanpur, District Narayanpur ,Chhattisgarh
18. Purnima D/o Sukhram, Aged About 39 Years Working As Teacher (Panchayat) And Posted At Govt. Middle School Badgaon, Block Doundilohara, District Balod Chhattisgarh
19. Veer Singh Thakur S/o Bodhan Singh Thakur Aged About 34 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Dudhali, Block Doundilohara, District Balod Chhattisgarh
20. Smt. Rekha Thakur W/o Dev Kumar Thakur Aged About 33 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Dudhali, Block Doundilohara, District Balod Chhattisgarh
21. Smt. Rutan Thakur W/o Veer Singh Thakur Aged About 32 Years Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Amlidih, Block Balod, District Balod Chhattisgarh
22. Dashrath Chandrakar S/o Shri Ghanshyam Singh Chandrakar Aged About 33 Years Working As Lecturer (Panchayat) And Posted At

Govt. Higher Secondary School Godhikala, Block Nawagarh, District
Bemetara, Chhattisgarh

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Chhattisgarh Public Instruction Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Balod, District Balod Chhattisgarh
4. Chief Executive Officer, Zila Panchayat Narayanpur, District Narayanpur Chhattisgarh
5. Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
6. District Education Officer, Balod, District Balod Chhattisgarh
7. District Education Officer, Narayanpur, District Narayanpur Chhattisgarh
8. District Education Officer, Bemetara, District Bemetara Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For State	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.05.2019

1. The grievance of the petitioners in the present writ petition is the non-

acceptance of the past service rendered by the petitioners as Assistant Teacher (P) by the respondents for the purpose of absorption in the Education Department.

2. The details of the initial appointment of and petitioners and the subsequent appointment and the post against which they were appointed on two occasions are reflected in the chart as produced below:

Petitioners' Name	Date of Initial Appointment	Date of Subsequent Appointment
No.1	07.11.05 (S. K. 2)	11.10.10 (S. K. 1)
No.2	20.10.08 (S. K. 3)	18.10.10 (S. K. 1)
No.3	14.07.19 (S. K. 3)	18.10.19 (S. K. 1)
No.4	01.09.08 (S. K. 2)	01.10.10 (S. K. 1)
No.5	12.10.08 (S. K. 2)	11.10.10 (S. K. 1)
No.6	23.10.08 (S. K. 2)	04.10.10 (S. K. 1)
No.7	21.07.08 (S. K. 3)	05.07.11 (S. K. 1)
No.8	30.06.08 (S. K. 3)	16.07.10 (S. K. 1)
No.9	07.08.08 (S. K. 3)	13.10.10 (S. K. 1)
No.10	12.08.08 (S. K. 3)	15.07.10 (S. K. 1)
No.11	27.10.08 (S. K. 3)	13.12.11 (S. K. 1)
No.12	22.10.08 (S. K. 3)	08.10.10 (S. K. 2)
No.13	18.08.08 (S. K. 3)	08.07.10 (S. K. 1)
No.14	16.02.09 (S. K. 3)	20.01.12 (S. K. 1)
No.15	22.10.08 (S. K. 3)	09.07.10 (S. K. 1)
No.16	15.10.08 (S. K. 3)	05.07.10 (S. K. 1)
No.17	25.06.07 (S. K. 3)	20.08.10 (S. K. 1)
No.18	02.07.08 (S. K. 3)	02.07.08 (S. K. 2)
No.19	07.12.07 (S. K. 3)	07.12.07 (S. K. 1)
No.20	27.06.06 (S. K. 3)	27.06.06 (S. K. 1)
No.21	19.12.07 (S. K. 3)	19.12.07 (S. K. 1)
No.22	15.08.08 (S. K. 1)	15.08.08 (S. K. 1)

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Assistant Teacher (P) of the petitioners

and has granted the benefit of revised pay scale on completion of 8 years service starting from the time when the petitioners were initially appointed as Assistant Teacher (P).

4. The grievance of the petitioners now is that though the Department has accepted the past service of the petitioners for the purpose of revised pay scale but for the purpose of counting the total length of service for absorption in the Education Department, the past service is not being considered.
5. This Court does not find any strong reason or ground on the part of the Department for not accepting the past service of the petitioners for the purpose of absorption particularly when the department has counted the past service for the purpose of grant of revised pay scale.
6. Given the aforesaid fact, let the case of the petitioners be scrutinized by respondents 1 & 2 and an appropriate order be passed as to why the past service of the petitioners cannot be counted for the purpose of absorption when the Department itself has counted the said period for the purpose of revised pay scale. Let an order be passed by respondents 1 & 2 within a period of 90 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioners to apprise respondents 1 & 2 so far as the order passed by this Court is concerned. The petitioners would be at liberty to file a suitable representation, if they so want, supported with all relevant documents.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

Khatai