

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO.3826 OF 2019

Upanand Kumar Mandal S/o Khokhanchand, Aged About 34 Years
Presently Posted As Lecturer (Vidya Mitaan) R/o Village - Post - Baisi
Colony, Tehsil - Dharmjaygarh, District - Raigarh Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through the Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur (CG)
2. The Secretary Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh.
3. Directorate of Public Instruction Through the Director, DPI, New Raipur (CG).
4. Chhattisgarh Professional Examination Board Through Secretary, Vyapam Bhawan, North Block, Sector - 19, Atal Nagar, Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Rohit Sharma, Advocate.
For Respondent-State	:	Shri Sameer Behar, Panel Lawyer.
For Respondent No.4	:	Shri Yogendra Pandey, Advocate, on behalf of Shri Animesh Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.05.2019

1. The primary grievance of the petitioner in the instant case is that the petitioner was initially appointed as "Vidya Mitaan" and has been discharging duties as "Vidya Mitaan" for a couple of years. Now, the relief sought for by the petitioner is for a direction to the State Government for an appropriate policy decision and try to regularize the services of the petitioner under the State Government as a Shiksha Karmi. The further relief of the petitioner is that the State Government while issuing the advertisement for filling up of regular post of Lecturer/Teacher in the State Government should give some preferential treatment to the petitioner for having discharged the duties of Vidya Mitaan.
2. The contention of the petitioner is that the petitioner fulfills all the minimum requirements of being appointed as Lecturer/Teacher/ Shiksha Karmi under the State Government and therefore, if some preferential treatment is given for the services rendered as a Vidya Mitaan, the petitioner could get some

advantage in the fresh recruitment. As far as the appointment to the post of Lecturer/Teacher/Shiksha Karmi is concerned, it is not in dispute that it is in accordance with the rules framed by the State Government for the respective post. This Court in exercise of its judicial power, at this juncture would only have to see whether the recruitment process initiated by the State Government is in accordance to the rules or not ?

3. The counsel for the petitioner very fairly submits that none of the recruitment process drawn is contrary to the rules, however, the petitioner seeks for some preferential treatment to be given for the services rendered by the petitioner. As per the legal position, granting of preferential treatment is one which is exclusively within the domain of the State Government. Though the petitioner refers to a letter of a Minister of the respondent State Government, where he had recommend for considering the demands of the petitioner and similarly placed persons before the contractual period of the petitioner and other similarly placed persons comes to an end, however, the said correspondence of the minister would not have legally enforceable value. Any relief which could be given to the petitioner would have to be taken as a policy decision that would have to be framed by the State Government.
4. Given the said facts of the case, this Court is of the opinion that ends of justice would meet, if the petitioner is directed to approach the respondents for ventilating the grievances by making a suitable representation in this regard and if such representation is made, the authorities concerned shall take an appropriate decision at the earliest.
5. Accordingly, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge