

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3974 of 2019**

Numesh Kumar S/o Ramayan Prasad, Aged About 29 Years
Presently Posted As Lecturer (Vidiya Mitaan), R/o House No. 373,
Chunchunipara, Ward No.8, Gevra Basti, District- Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh
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, Chhattisgarh
4. Chhattisgarh Professional Examination Board Through Secretary, Vyapam Bhawan, North Block, Sector 19, Atal Nagar, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rohit Sharma, Advocate.
For State	:	Mr. Samir Behar, P.L.
For Respondent no.4	:	Mr. Animesh Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17.05.2019**

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 his 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 to the petitioner for the services he has 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 his grievance 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 off.

Sd/-
P. Sam Koshy
Judge