

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4336 of 2019

Balbhadra Shankar Jain S/o Bihari Lal Jain Aged About 47 Years
R/o Uday Nagar, Kanker, District- North Bastar-Kanker,
Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Atal Nagar Raipur, District- Raipur, Chhattisgarh.
2. Director Panchayat Directorate, Indrawati Bhawan, Mantralaya Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
3. Chief Executive Officer District Panchayat, North Bastar, Kanker, Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Narharpur, District- North Bastar, Kanker, Chhattisgarh.
5. Headmaster Primary School, Bangabari, Block- Narharpur, District- North Bastar, Kanker, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Raj Kumar Pali, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.06.2019.

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. As per the said policy, whoever has 8

years of service as on 01/07/2018 would be considered for absorption.

4. 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.
5. So far as present matter is concerned, the petitioner was appointed vide order dated 19.10.2010 and had given joining on 30.10.2010. Even accepting 30.10.2010 to be the date of appointment, the petitioner undisputedly completes his 8 years of service on 29.10.2018.
6. In the given facts, so far as the petitioner herein is concerned, his claim squarely falls within the circular dated 30.06.2018 for the purpose of absorption and this Court does not find any good reason for not granting the benefit in accordance with the policy dated 30.06.2018 to the petitioner herein subject to the petitioner fulfilling other eligibility criteria required for absorption, if any, under the Rules.
7. Given the aforesaid factual matrix of the case, this Court is of the opinion that since the petitioner has 8 years of service as on 29.10.2018 even from the date of joining i.e. 30.10.2010, the present

Writ Petition can be disposed off with a direction to the concerned respondents to consider and decide his claim for absorption in accordance with the policy prevalent and the rules governing the field within a period of 90 days from the date of receipt of certified copy of this order.

8. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder