

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4526 of 2019**

1. Smt. Swati Mishra W/o Ritukamal Mishra Aged About 31 Years Working As Assistant Teacher Panchayat, Govt. Girls Primary School No. 1, Durg Block And District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Radhika D/o Agnu Aged About 31 Years Working As Lecturer Panchayat Govt. Higher Secondary School, Murmunda, Block Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
3. Kiran Khare W/o Gopa Nand Khare Aged About 37 Years Working As Lecturer Panchayat, Govt. Higher Secondary School Gudum, Block Dondi, District Balod Chhattisgarh., District : Balod, Chhattisgarh
4. Parinita Chandrakar W/o Satyendra Chandrakar Aged About 32 Years Working As Teacher Panchayat, Govt. Middle School, Darbarmokhli, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
5. Usha Thakur W/o Rajendra Kumar Thakur Aged About 46 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Vinayakpur, Block And District Durg Chhattisgarh., District : Durg, Chhattisgarh
6. Shitlesh Kumar Sharma S/o Bhaskar Prasad Sharma Aged About 42 Years Working As Lecturer Panchayat Govt. Higher Secondary School, Sambalpur, Block Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
7. Anil Kumar Verma S/o Nandji Verma Aged About 39 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Vidyakheda, Block Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
8. Meena Sonwani D/o Chaitu Das Sonwani Aged About 46 Years Working As Lecturer Panchayat Govt. Higher Secondary School, Jhalmala, Block And District Balod Chhattisgarh., District : Balod, Chhattisgarh
9. Renuka Netam W/o Birendra Kumar Netam Aged About 41 Years Working As Lecturer Panchayat Govt. Higher Secondary School, Jhalmala, Block And District Balod Chhattisgarh., District : Balod, Chhattisgarh
10. Priti Patel W/o Jagdish Patel Aged About 39 Years Working As Teacher Panchayat, Govt. Middle School, Harrathema, Block And District Balod Chhattisgarh., District : Balod, Chhattisgarh
11. Venkeshwar Nishad S/o Neelkanth Nishad Aged About 34 Years Working As Teacher Panchayat, Govt. Middle School Matri, Block Dondilohara, District Balod Chhattisgarh., District : Balod, Chhattisgarh
12. Harish Kumar Sharma S/o Kishna Lal Sharma Aged About 36 Years Working

As Lecturer Panchayat Govt Higher Secondary School, Bhardakala, Block Saja, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

13. Jiwdhan Lal Dewangan S/o Takhat Ram Dewangan Aged About 34 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Lenjwara, Block Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
14. Mukesh Singh Netam S/o Jaylal Prasad Netam Aged About 41 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Nandinikhundani, Block Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
15. Archana Singh W/o Umesh Singh Aged About 45 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Nandinikhundani, Block Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
16. Kuleshwari Verma W/o Arun Kumar Verma Aged About 45 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Dhaur, Block Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
17. Kuleshwari Kashyap W/o Sanjay Kashyap Aged About 39 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Selud No. 1, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
18. Rekha Netam W/o Sanjay Verma Aged About 44 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Selud No. 1, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
19. Kusum Harmukh W/o Lkeshwar Harmukh Aged About 38 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Selud, No. 1, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
20. Rajeshwar Prasad Sahu S/o Kushal Ram Sahu Aged About 34 Years Working As Teacher Panchayat, Govt. Middle School, Borid, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
21. Ravishankar Gupta S/o Kashi Nath Gupta Aged About 37 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Cholnar, Block Kuakonda, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
22. Smt. Anju Kunjam W/o Rajesh Kunjam Aged About 32 Years Working As Lecturer Panchayat Govt. Higher Secondary School, Mailwada, Block Kuakonda, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
23. Dilip Kumar S/o Gautariha Aged About 35 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Ghontha, Block Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
24. Anjulata Verma W/o Bhupendra Singh Verma Aged About 34 Years Working

As Lecturer Panchayat, Govt. Higher Secondary School, Sankra, Block Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

25. Kunal Shesh S/o Gopal Shesh Aged About 37 Years Working As Lecturer Panchayat Govt. Higher Secondary School, Ganiyari, Block Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
26. Jageshwari Sahu W/o Umashankar Sahu Aged About 36 Years Working As Assistant Teacher (Nagriya Nikay), Govt. Primary School, Dabarapara Bhilai - 3, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
27. Rashmi Kathuriya W/o Vikas Kathuriya, Aged About 38 Years Working As Teacher Panchayat, Govt. Middle School, Piparkhar (Lo), Block Dondi Lohara, District Balod Chhattisgarh., District : Balod, Chhattisgarh
28. Smt. Shashi Kiran Baghel D/o K.B. Baghel Aged About 40 Years Working As Lecturer Panchayat, Govt. Higher Secondary School, Dhourabhatha, Block Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary Education Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Director Public Instructions, Directorate Of Education, Atal Nagar, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Commissioner Cum Director Directorate Of Panchayat Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Chief Executive Officer Jila Panchayat Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
6. Chief Executive Officer Jila Panchayat, Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
7. Chief Executive Officer Jila Panchayat Bemetara, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
8. Chief Executive Officer Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh
9. Chief Executive Officer Jila Panchayat Dantewada, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

10. District Education Officer Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
11. District Education Officer Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
12. District Education Officer Bemetara, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
13. District Education Officer Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh
14. District Education Officer Dantewada, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

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For Petitioner	:	Shri Harish Khuntiya, Advocate
For State	:	Shri Saleem Kazi, Dy. A. G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.06.2019

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 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	03.09.10 (S. K. 3)	10.02.12 (S. K. 3)
No.2	12.02.08 (S. K. 3)	20.02.13 (S. K. 1)
No.3	09.07.10 (S. K. 2)	01.02.13 (S. K. 1)
No.4	25.05.06 (S. K. 3)	09.07.10 (S. K. 2)

No.5	07.08.06 (S. K. 1)	14.09.11 (S. K. 1)
No.6	28.07.08 (S. K. 3)	07.07.10 (S. K. 1)
No.7	04.08.08 (S. K. 2)	07.07.10 (S. K. 1)
No.8	26.10.07 (S. K. 3)	05.07.10 (S. K. 1)
No.9	02.08.08 (S. K. 2)	07.07.10 (S. K. 1)
No.10	10.12.07 (S. K. 3)	29.09.10 (S. K. 2)
No.11	25.10.10 (S. K. 3)	16.08.13 (S. K. 1)
No.12	29.08.08 (S. K. 2)	28.11.11 (S. K. 1)
No.13	10.06.06 (S. K. 3)	22.02.13 (S. K. 1)
No.14	15.07.08 (S. K. 3)	29.07.10 (S. K. 1)
No.15	23.08.08 (S. K. 3)	03.07.10 (S. K. 1)
No.16	07.08.08 (S. K. 2)	03.07.10 (S. K. 1)
No.17	19.09.08 (S. K. 2)	03.07.10 (S. K. 2)
No.18	19.09.08 (S. K. 2)	07.07.10 (S. K. 1)
No.19	13.07.08 (S. K. 2)	30.06.15 (S. K. 1)
No.20	03.09.07 (S. K. 3)	29.09.10 (S. K. 2)
No.21	03.09.07 (S. K. 3)	27.11.10 (S. K. 1)
No.22	06.06.05 (S. K. 3)	25.04.13 (S. K. 1)
No.23	16.06.06 (S. K. 3)	06.12.14 (S. K. 1)
No. 24	08.10.08 (S. K. 3)	02.02.13 (S. K. 1)
No. 25	05.08.08 (S. K. 2)	14.09.11 (S. K. 1)
No. 26	25.06.10 (S. K. 3)	23.06.12 (S. K. 3)
No. 27	02.08.08 (S. K. 2)	09.07.10 (S. K. 2)
No. 28	09.07.11 (S. K. 1)	02.02.13 (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**