

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4593 of 2019

Tikam Chand Jaiswal S/o M. L. Jaiswal Aged About 38 Years Presently Posted Lecturer (Panchayat) At Government Higher School, Patiyapali, R/o Lig 161, Shivaji Nagar, Korba Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary School Education Department Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Secretary Panchayat And Rural Development Department, Mantralaya, Mahanandi Bhawan, Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Chief Executive Officer Zila Panchayat Korba District Korba Chhattisgarh, District : Bilaspur, Chhattisgarh
4. District Education Officer Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh
5. Block Education Officer Block Kartala, Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondents

WPS No. 4599 of 2019

Kakoli Sumit Dhar W/o Sumit Kumar Dhar Aged About 32 Years Presently Posted Teacher (Panchayat) At Government Adarsh Middle School, Bacheli, R/o Ward No. 10, Kirandul District South Bastar Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, School Education Department Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Executive Officer Zila Panchayat South Bastar Dantewada District South Bastar Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
4. District Education Officer South Bastar Dantewada District South Bastar Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
5. Block Education Officer Block Dantewada District South Bastar Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Respondents

For petitioners	:	Ms. Diksha Gouraha, Advocate.
For State	:	Shri Sameer Behar, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/06/2019

1. The relief sought for and the subject matter in both these Writ Petitions being common, this Court proceeds to decide the matters by this common order.
2. The prayer made by the petitioners in both these Writ Petitions is for issuance of direction to the respondents to count the petitioners service from the date of appointment and not from the date of joining.
3. The petitioners are seeking the relief of absorption in the School Education Department as per the policy of the State Government dated 30/06/2018 (Annexure-P/3).
4. The matters pertains to absorption of those Teachers (Panchayat/Urban Administration Department) whose services have been taken by the School

Education Department should be absorbed as per the policy dated 30/06/2018.

5. As per the said policy, whoever has 8 years of service as on 01/07/2018 would be considered for absorption.

6. 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.

7. So far as present matters are concerned, all these petitioners were appointed vide order dated 30/06/2010 and they had given their joining on 02/07/2010.

8. Even accepting 02/07/2010 to be the date of appointment, the petitioners undisputedly complete their 8 years of service on 01/07/2018.

9. In the given facts, so far as the petitioners herein are concerned, their 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 petitioners herein subject to the petitioners fulfilling the other eligibility criteria required for absorption if any under the Rules.

10. Given the aforesaid factual matrix of the case, this Court is of the opinion that since the petitioners have 8 years of service as on 01/07/2018 even from the date of joining i.e. 02/07/2010, the present Writ Petitions can be disposed off with a direction to the concerned respondents to consider and decide their 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.

11. Both these Writ Petitions accordingly stands disposed off.

Rohit

Sd/-
(P. Sam Koshy)
JUDGE