

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 5346 of 2019**

Miss. Kiran Sharma D/o Satyendra Kumar Sharma Aged About 34 Years  
Presntly Working As Lecturer Nagri Nikai (N. N.) At Govt. Girls Higher  
Secondary School, Rajim Block Fingeshwar, District Gariyaband  
Chhattisgarh, District : Gariyabandh, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. District Education Officer Gariyaband District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
3. Chief Municipal Officer Nagar Panchayat Rajim, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

**---Respondents**

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Mr. Satish Gupta, Advocate     |
| For State      | : | Mr. Arvind Dubey, Panel Lawyer |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**23/07/2019**

1. The grievance of the petitioner in the present writ petition is the non-acceptance of the past services rendered by the petitioner in the Panchayat Department for the purpose of absorption in the Education Department.
2. The facts of the case is that the petitioner was initially appointed as a Shiksha Karmi Grade-II on 16.06.2010 under Zila Panchayat, Mahasamund. After obtaining an NOC, the petitioner again participated in the fresh selection for the post of Shiksha Karmi Grade-I at Zila Panchayat Kanker and was selected for the said post vide order of appointment dated 04.03.2013. Later on the petitioner again appeared in a fresh selection process as a Shiksha Karmi Grade-I in the Nagar Panchayat, Rajim and

after obtaining the due NOC from the Panchayat Department and on selection was appointed to the said post on 17.01.2014.

3. In the year 2018 the State Government initiated steps for absorbing the services of the Teachers working in the Panchayat Department as well as in the local bodies into the services of the Education Department.
4. The State Government took the decision for absorbing all those Teachers in the Panchayat Department and in the local bodies, who have put in 8 years of continuous service. The Department however in the case of the petitioner did not consider her claim on the ground that the petitioner has not completed 8 years of services.
5. According to the petitioner, in case if the initial date of appointment i.e. 16.06.2010 is taken into account by the respondents, then the petitioner completes his 8 years of services in the year 2018 and therefore, the petitioner would become eligible for absorption in the Education Department.
6. According to the petitioner the Department has counted these period as Shiksha Karmi Grade-II under the Zila Panchayat, Mahasamund for the purpose of granting revised pay-scale to the petitioner, which was granted to the petitioner on 28.02.2019. According to the petitioner, once when the State Government has accepted the past services of the petitioner in the Panchayat Department for the purpose of grant of revised pay-scale, there is no strong reason for not counting the said period for the purpose of absorption. If the petitioner has been granted the revised pay scale counting the past services then for all other practical purposes, the past services of the petitioner has to be counted as continuous service.

7. Given the aforesaid facts and circumstances of the case, let the respondents No.2 & 3 reconsider the case of the petitioner for absorption in the Education Department taking into account the services rendered by the petitioner under the Panchayat Department w.e.f. 16.06.2010 onwards. Let the respondents No.2 & 3 take an appropriate decision in this regard at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
8. It shall be the responsibility of the petitioner to apprise the respondents No.2 & 3, so far as the order passed by this Court is concerned.
9. The petitioner would be at liberty to file additional representation if he so wants supported with all relevant documents.
10. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Ved