

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5301 of 2019

Deepak Kumar Pandey S/o Late Shri Baldau Prasad Pandey, Aged About 41 Years, Working As Lecturer (Panchayat) And Posted At Govt. Higher Secondary School Devkirari, Block Bilha, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Bilspur, District Bilaspur Chhattisgarh
4. District Education Officer, Bilspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinod Kumar Sharma, Advocate
For State	:	Mr. P. Acharya, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/07/2019

1. The prayer made by the petitioner in the Writ Petition is for issuance of direction to the respondents to count the petitioner's 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 should 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 [27.06.2011](#) and he had given her joining on 02.07.2011. Accepting 02.07.2011 to be the date of appointment, the petitioner undisputedly complete his 8 years of service on 01.07.2019.
6. In the given facts, so far as the petitioner herein is concerned, his claim squarely falls within the circular dated 30.06.2018 & 02.07.2018 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 & 02.07.2018 to the petitioner herein subject to the petitioner fulfilling the 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 01.07.2019, 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