

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5536 of 2019**

1. Sant Kumar Joshi S/o Darash Ram Joshi Aged About 42 Years Working As Lecturer (Nagriya Nikay) And Posted At Govt. Higher Secondary School Barpali Champa, Block Bamhanidih, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Smt. Gayatri Dahariya W/o Shri Nagendra Kumar Dahariya Aged About 30 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. High School Sitamani, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Smt. Anuj Patel W/o Shri Jayant Patel Aged About 33 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. Higher Secondary School Barpali Champa, Block Bamhanidih, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Smt. Manisha Biswas W/o Shri Ista Charan Biswas Aged About 34 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. Higher Secondary School Chhuri, Block Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Sanjay Kumar Dubey S/o Shri Hari Lal Dubey Aged About 41 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. Higher Secondary School Balak Balco, Block, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
6. Smt. Arati Keshwarwani, W/o Shri Tarun Aged About 33 Years Working As Assistant Teacher (Nagriya Nikay) And Posted At Govt. Primary School Korba Town, Block Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
7. Smt. Narmada Sahu W/o Shri Ghanshyam Sahu Aged About 32 Years Working As Assistant Teacher (Nagriya Nikay), And Posted At Govt. Primary School Andharikachhar, Block Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
8. Smt. Pushpalata Marbal W/o Shri Shailendra Marbal Aged About 30 Years Working As Assistant Teacher Nagriya Nikay), And Posted At Govt. Primary School Andharikachhar, Korba, Block Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
9. Smt. Babita Choudhary W/o Shri Kamalkant Choudhary Aged About 32 Years Working As Assistant Teacher (Nagriya Nikay), And Posted At Govt. Primary School Sector - 4, Balco Nagar, Korba, Block Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

10. Smt. Deepa Mishra W/o Shri Rajesh Mishra Aged About 30 Years Working As Assistant Teacher (Nagriya Nikay), And Posted At Govt. Primary School Sector - 5, Balco Nagar, Korba, Block Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
11. Vikesh Kumar Ray S/o Shri Kirtan Lal Ray Aged About 34 Years Working As Teacher (Nagriya Nikay), And Posted At Govt. Middle School Thadgabakra, Block Baloda, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
12. Smt. Manju Tripathi W/o Shri Kamlesh Kumar Tripathi Aged About 40 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. Girls Higher Secondary School Balconagar, Block Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
13. Jaypal Singh Kanwar S/o Shri Peela Singh Kanwar Aged About 44 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. Higher Secondary School Balgikhar, Block Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
14. Smt. Vidyawati Bhatnagar, W/o Shri M. Bhatnagar, Aged About 42 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. Higher Secondary School Mongra, Block Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
15. Prabha Sao S/o Shri Amrit Lal Sao Aged About 32 Years Working As Lecturer (Nagriya Nikay), And Posted At Govt. High School Syahimudi, Korba Block Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Secretary, Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer Janjgir Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. District Education Officer Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Chief Municipal Officer Municipal Council Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
6. Commissioner Municipal Council Korba, District Korba Chhattisgarh.,

District : Korba, Chhattisgarh

7. Chief Nagar Palika Adhikari Nagar Panchayat Chhurikala, District Korba Chhattisgarh., District : Korba, Chhattisgarh
8. Chief Nagar Palika Adhikari, Nagar Panchayat Baloda, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

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For Petitioners	:	Shri Ajay Shrivastava, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.07.2019

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 \(P\)/ Teacher Panchayat/Lecturer Panchayat/Teacher \(Nagriya Nikay\)](#) by the respondents for the purpose of absorption in the Education Department.
2. The details of the initial appointment of and 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	Second appointment and joining date	Date of Subsequent Appointment	Joining date
No.1	27.08.10 SK-3 (P) and he joined on 27.08.10	16.09.13 SK-1 (NN) and he joined on 17.09.13	08.07.14 SK-1 (NN)	18.07.14
No.2	04.09.08 SK-3 (P)	05.09.08	05.02.14 SK-1 (NN)	01.03.14

No.3	09.07.10 SK-1 (P) and she joined on 09.07.10	05.06.13 SK-1 (NN) and she joined on 24.06.13	01.03.14 SK-1 (NN)	01.03.14
No.4	20.10.10 SK-1 (P)	08.11.10	24.04.12 SK-1 (NN)	03.05.12
No.5	23.06.10 SK-1 (P)	29.06.10	03.12.11 SK-1 (NN)	10.12.11
No.6	16.06.05 SK-3 (P)	21.06.05	25.02.12 SK-3 (NN)	27.02.12
No.7	24.06.06 SK-3 (P)	30.06.06	15.02.12 SK-3 (NN)	21.02.12
No.8	03.07.10 SK-3	09.07.10	15.02.12 SK-3	21.02.12
No.9	16.06.05 SK-3 (P)	24.06.05	02.03.12 SK-3 (NN)	06.03.12
No.10	03.07.10 SK-3 (P)	13.07.10	05.02.12 SK-3 (NN)	23.02.12
No.11	16.02.09 SK-3 (P)	17.02.09	11.11.11 SK-2 (NN)	18.11.11
No.12	30.06.08 SK-1 (P)	03.07.08	03.12.11 SK-1 (NN)	05.12.11
No.13	26.11.10 SK-3 and he joined on 27.11.10	18.09.13 SK-1 and he joined on 18.09.13 and he joined on 20.09.13	20.11.14 SK-1 (NN)	04.12.14
No.14	21.08.08 SK-3 (P)	22.08.08	01.01.14 SK-1 (NN)	10.02.14
No.15	20.11.10 SK-2 (P)	08.11.10	01.03.14 SK-1 (NN)	03.03.14

Note: S.K. (Shiksha Karmi), NN (Nagriya Nikay), P (Panchayat)

- For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as Assistant Teacher (P)/ Teacher Panchayat/Lecturer Panchayat/Teacher (Nagriya Nikay) 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)/ Teacher Panchayat/Lecturer Panchayat/Teacher (Nagriya Nikay).

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/-
(Goutam Bhaduri)
JUDGE**