

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6046 OF 2019**

Rishi Kumar Kurrey S/o Shri Balranjit Kurrey Aged About 33 Years
Occupation Assistant Teacher (LB) Government School Sonedongari,
Tahsil and Thana - Saja, District - Bemetara, Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District - Bemetara, Chhattisgarh.

... Respondent(s)**WRIT PETITION (S) NO.6211 OF 2019**

Ghanshyam Sahu S/o Shri Toran Lal, Aged About 35 Years Occupation-
Assistant Teacher (LB), Government Primary School Bureda, Thasil and
Thana -Saja, District -Bemetara Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District - Bemetara, Chhattisgarh.

... Respondent(s)**WRIT PETITION (S) NO.6054 OF 2019**

Savita Bhaskar W/o Shri Indrapal Bhaskar Aged About 45 Years (Before
Marriage Surname Was Maskole) Occupation - Assistant Teacher (LB)
Government Primary School Ghotwani, Tahsil and Thana - Saja, District -
Bemetara Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District - Bemetara, Chhattisgarh.

... Respondent(s)

WRIT PETITION (S) NO.6059 OF 2019

Ram Desh Kharanshu S/o Shri Anandi Ram Aged About 33 Years
Occupation Assistant Teacher (LB) Government Primary School Bhatgaon,
Tahsil and Thana Saja, District Bemetara, Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District - Bemetara, Chhattisgarh.

... Respondent(s)

WRIT PETITION (S) NO.6061 OF 2019

Ved Prakash Singh Rajput S/o Shri Sukhnandan Aged About 37 Years
Occupation - Assistant Teacher (LB) Government Primary School
Kongiyakala, Tahsil And Thana - Saja, District - Bemetara Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District - Bemetara, Chhattisgarh.

... Respondent(s)

WRIT PETITION (S) NO.6098 OF 2019

Sanjeev Kumar Tiwari S/o Shri Ambika Tiwari Aged About 40 Years
Occupation - Assistant Teacher (LB) Government Primary School
Padumsara, Tahsil and Thana - Saja, District - Bemetara, Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur (CG).
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District - Bemetara (CG)

... Respondent(s)

WRIT PETITION (S) NO.6116 OF 2019

Shankar Prasad Verma S/o Shri Ramkhelawan Verma Aged About 33 Years
Occupation Assistant Teacher (LB) Posted At Government Primary
School Bagdumar, Block Saja, Post Bhatgaon, R/o Village Bagdumar,
Tahsil and Thana Saja, District Bemetara Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District - Bemetara, Chhattisgarh.

... Respondent(s)**WRIT PETITION (S) NO.6120 OF 2019**

Sumitra Bhuarya W/o Shri Murlidhar Bhuarya Aged About 34 Years
Occupation Assistant Teacher (LB) Government Primary School
Mushwadih, Tahsil and Thana Saja, District Bemetara Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur (CG).
2. State of Chhattisgarh Through Secretary, Department of School Education, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
3. Collector Bemetara, District - Bemetara, Chhattisgarh.
4. District Education Officer Bemetara, District - Bemetara, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat - Saja, District – Bemetara (CG).

... Respondent(s)

For Petitioners	:	Shri Vinay Pandey, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, Dy. A.G.
For Respondent No.5	:	Ms. Sunita Jain, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20.08.2019**

1. Since the issue involved in all the writ petitions are same and the impugned action under challenge is also same, this court proceeds to decide all these petitions by this common order.
2. Challenge in all the writ petitions is to the issuance of charge sheet/memo dated 17.07.2019 (Annexure P/1) by the respondent No.5 i.e. Chief Executive Officer, Janpad Panchayat, Saja, District Bemetara.
3. The contention of the petitioners are that they were, at one point of time, appointed as Assistant Teacher (P) under the Panchayat Department and subsequently their services now stand absorbed with the Education Department of the State Govt. since 2018 onwards. According to counsel

for the petitioners, subsequent to the absorption of the petitioners, the disciplinary authority as well as the service conditions governing the petitioners are that which are framed by the Education Department of the State Govt. and as such issuance of charge sheet or the action contemplated by the respondent No.5 i.e. Chief Executive Officer, Janpad Panchayat, Saja, is without jurisdiction and competency.

4. The aforesaid contentions so far as factual matrix of the case as regards employment of the petitioners initially under the Panchayat Department and their subsequent absorption in the Education Department is not disputed by the counsel appearing for the respondents.
5. Under the given facts and circumstances of the case, this court is of the opinion that since the services of the petitioners stand absorbed in the Education Department, the petitioners from the date of absorption, for all practical purposes, have to be treated as employees of the Education Department. That, in case if the initial appointment of the petitioners now is to be questioned or tested henceforth, it could only have to be done by the authority competent under the Education Department and not under the erstwhile employer i.e. the Panchayat Department.
6. Given the aforesaid facts, this court is of the opinion that the impugned memo dated 17.07.2019 in all the writ petitions (Annexure P/1) thus being issued by the officer not competent for the same, deserves to be and is accordingly set aside, reserving the right of the State Govt., if they feel so, to proceed further in accordance with law by a competent authority so far as allegation levelled against the petitioners are concerned.
7. With the aforesaid observations, all the writ petitions stand allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge