

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6799 of 2019**

Smt. Muneshwari Bhagat W/o Neeraj Ratan Toppo Aged About 33 Years
Presently Working As Lecturer (Panchayat) At Govt. Higher Secondary
School, Chetba, Block Kansabel, District Jashpur Chhattisgarh, District :
Jashpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat
And Rural Development, Mantralaya, Mahanandi Bhawan, Naya Raipur
District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Chief Executive Officer Zila Panchayat, Jashpur, District Jashpur
Chhattisgarh, District : Jashpur, Chhattisgarh
3. District Education Officer Jashpur District Jashpur Chhattisgarh, District :
Jashpur, Chhattisgarh
4. Block Education Officer Kansabel, District Jashpur Chhattisgarh, District :
Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. CJK Rao, Advocate
For State	:	Mr. Anshuman Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/09/2019**

1. The claim of the petitioner in the present writ petition for appropriate
direction to the respondents to consider her case for absorption in
the light of the circular of the State Government dated 30.06.2018
and subsequent circulars issued in this regard.
2. Contention of the petitioner is that the petitioner admittedly
completed more than 8 years of service under the respondents but
respondent No. 2 & 3 however not considering the services of the
petitioner for the period between 2017-2019 during which the

petitioner already was granted leave without pay for undergoing B.Ed Course which petitioner has successfully completed. The petitioner further submits that she was also granted NOC in this regard by the department and subsequent to her B.Ed course she has resumed her duties and working with the respondents. Further contention of the petitioner is that as such there has been no order passed by the respondents holding that said period between 2017-2019 to be held to be break in service.

3. Under the circumstances for all practical purposes it has to be treated as continuous service particularly, in the light of the NOC which was granted by the department. The NOC itself was issued on the basis of circular of the State Government dated 11.08.2017.
4. Given the aforesaid facts, this Court does not find any good reason for not considering the case of the petitioner for absorption, admittedly the petitioner had been initially appointed on 30.06.2010 and counting the entire period the petitioner has also been considered for grant of revised pay scale and which the petitioner is enjoying as on date.
5. Moreover, as has been contended that there does not appear to be any order holding that the said intervening period during which the petitioner was granted NOC for undergoing B.Ed course between 2017-2019 to be the period as break in service.
6. Considering all the aforesaid facts, this Court is of the opinion that non consideration of the petitioner for absorption treating the intervening period as break in service is not proper, legal and justified. Respondent No. 2 & 3 are directed to consider the case of

the petitioner for absorption in accordance with the circular of the State Government dated 30.06.2018.

7. Let this exercise be completed within a period of three months from the date of receipt of copy of this order.
8. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit