

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7180 OF 2019**

Smt. Dimpal Sahare, W/o Shri Ashok Kumar Sahare, aged about 29 years, working as Assistant Teacher (Nagriya Nikay) and posted at Govt. Uch. Buniyadi School, Doundi, Block Doundi, District Balod (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. The Secretary, Department of Urban Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
3. Director, Directorate of Chhattisgarh, Public Instructions, Indravati Bhavan, Naya Raipur, District Raipur (CG)
4. Chief Municipal Officer, Nagar Panchayat, Doundi, District Balod (CG)
5. District Education Officer, Balod, District Balod (CG) **... Respondents**

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For Respondent-State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/09/2019

1. Grievance of the petitioner in the instant writ petition is the non-acceptance of the past services, rendered by her as Teacher Panchayat, by the respondents for the purpose of absorption in the Education Department.
2. Case of the petitioner is that initially she was appointed in the Panchayat Department as Shiksha Karmi Grade-III in the year 2011. Subsequently, in another recruitment process, she again got selected as Assistant Teacher (Nagriya Nikay) on 11.1.2012. According to the petitioner, for the purpose of grant of revised pay scale on completion of 8 years of service, the department had counted her past services that she had rendered under the Panchayat Department, that is, the appointment initially made in the year 2011 and subsequently made in the year 2012 and had granted the benefit to the petitioner.
3. Grievance of the petitioner now is that though the department has accepted her past services for the purpose of revised pay scale but for the purpose of the counting total length of service for absorption in the Education Department the past services is not being considered.
4. The reason which has been informed to the petitioner is that, she has not obtained NOC from the Panchayat Department while applying for appointment in the Nagriya Nikay

and another reason for not considering was that there is a change in the department of the petitioner for the purpose of counting two services.

5. So far as the non-obtaining of NOC is concerned, the said aspect already stands decided by this Court in the case of **Mukesh Patel Vs. State of Chhattisgarh** in WPS No. 2530/2017 decided on 28.11.2017, and so far as the change of the department is concerned that issue also stands decided by this Court in the case of **Shabnam Khatun Vs. State of Chhattisgarh** in WPS No. 6147/2018 and other connected writ petitions decided on 27.10.2018.

6. Given the aforesaid facts and judgments delivered by this Court, no strong reasons have been made out by the department as to why the services rendered by the petitioner in the Panchayat Department would not be acceptable for the purpose of counting her total length of service so far as the claim for absorption is concerned. Once when the department has already accepted the past services for the purpose of revised pay scale there does not seem to be any good reason for not applying the same analogy for determining the issue of absorption.

7. Given the said facts and circumstances of the case, let the case of the petitioner be scrutinized by respondents No. 1 & 2 and an appropriate order be passed deciding as to why the past services of the petitioner cannot be counted for the purpose of absorption when the department itself has counted the said period for the purpose of grant of revised pay scale.

8. Let an appropriate order be passed by respondents No. 1 & 2 within a period of 90 days from the date of receipt of copy of this order after thorough verification of the individual details of the petitioner.

9. It shall be the responsibility of the petitioner to apprise respondents No. 1 & 2 so far as the order passed by this Court today is concerned.

10. The petitioner would also be at liberty to file a fresh representation, if she so wants.

11. With the aforesaid directions, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge