

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7941 of 2019

Rakesh Roy Choudhury S/o Lt. Rathindranath Aged About 35 Years Presently Posted At Govt. High School Manghur, Block Durgkondal, District Kanker Chhattisgarh. As Atithi Shikshak, R/o Near Post Office Pakhanjur, District North Bastar, Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Directorate Of Public Instruction Through The Director, Dpi, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer District North Bastar, Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Rohit Sharma, Advocate
For State	:	Ms. Sunita Jain, G.A. Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/09/2019

1. The present writ petition has been filed only on apprehension that the services of the petitioner may be discontinued on the vacancy available in the respective schools being filled up by way of transfer of regular teachers.
2. According to the petitioner, he was initially working as Vidya Mitran in the previous academic session and as per the policy of the State Government dated 24.06.2019 the petitioner has been granted appointment as Atithi Shikshak getting preferential treatment for the service rendered as Vidya Mitran.
3. The apprehension of the petitioner is that in the event of the State Government making large scale transfers and the regular posts in the schools, lying vacant being filled up by regular teachers on transfer, there

are all possibilities that the services of the petitioner may be discontinued. According to the petitioner, the School Authorities have in a couple of cases taken such a step and thus the petitioner has approached this Court.

4. The prayer of the petitioner is that once when clause 7.4 holds that the case of the petitioner should be considered first against those schools, where there are no regular teachers or where there are vacancies of more than three regular teachers and after exhausting the said category of schools, the Authorities would consider engaging Atithi Shikshak where there is one teacher available with vacancy of more than two regular teachers.
5. According to the petitioner, in the eventuality of the services of the petitioner being getting discontinued, the Authorities may consider clause 7.4 of the policy dated 24.06.2019 by accommodating the petitioner in any other school, which would be available as per clause 7.4 of the aforesaid policy.

For ready reference clause 7.4 is reproduced herein under:

“7.4 सर्वप्रथम शिक्षक विहीन हाई/हायर सेकेण्डरी स्कूलों में 03 व्याख्याता के रिक्त पद के विरुद्ध अतिथि शिक्षक की व्यवस्था की जाए, तत्पश्चात् एकल शिक्षकीय हाई/हायर सेकेण्डरी स्कूलों में 02 व्याख्याता के रिक्त पद के विरुद्ध अतिथि शिक्षक की व्यवस्था की जाए।”

6. To the said submission of the petitioner, the State counsel submits that once when there is a policy decision of the State Government in this regard, it is expected that the Authorities in the State Government would follow this policy in its letter and spirit. The petitioner need not have any apprehension as of now and that no cause of action till date has arisen.
7. Given the said submission that the State counsel has made and on the apprehension of the petitioner as such, this Court is of the opinion that the writ petition itself can be disposed of with a direction to the respondent No.3 to ensure that in the eventuality of discontinuing the services of the petitioner on the regular posts getting filled up by way of transfer of regular

teachers, the petitioner's case be considered for his appointment against those schools where there are still vacancies available in accordance to clause 7.4 of the policy dated 24.06.2019 of the State Government.

8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved