

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7787 of 2019**

Dr. Mukesh Kumar Mishra S/o Shri B. P. Mishra, Aged About 48 Years, Assistant Professor Contractual (Geography), At Government S.N.G. College, Mungeli, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Higher Education Department, Mantralaya, Mahandi Bhawan, Atal Nagar, Raipur Chhattisgarh
2. Additional Director, Directorate Of Higher Education Department, Atal Nagar, Raipur, Chhattisgarh
3. Principal, Government S.N.G. College, Mungeli, District Mungeli Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ghanshyam Kashyap, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24.09.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 05.09.2019 wherein the respondent no.3 has issued an advertisement for filling up of the post of Assistant Professor/Professor by way of appointment of guest lecturers.
2. The contention of the counsel for the petitioner is that the petitioner is already working as Assistant Professor under the respondent no.3

since 1994. The respondent no.3 institution, one point of time, was a private institution which subsequently in the year 2016 was taken over by the State Govt. At the time of taking over of the institution, the respondent no.3 had issued an order on 24.08.2016 wherein it was directed to terminate the services of the petitioner and other similarly placed persons. The said order was under challenge in WPS No. 5496 of 2016. The said writ petition finally stood allowed on 18.01.2018 and the order dated 24.08.2016 was held to be not sustainable and was set aside. It was clearly mentioned by the High Court in the said order that the respondents if at all intended to remove the petitioners therein from service, they should have taken appropriate steps under the provisions of Rule 14 of the Chhattisgarh Educational Service (Collegiate Branch) Recruitment Rules, 1990. Pursuant to the order of this Court dated 18.01.2018, the petitioner has been continued in service till date. However, now an advertisement has been issued which in the opinion of the petitioner has been passed with an intention to replace the petitioner by another set of guest lecturers.

3. The State counsel submits that as of now the advertisement does not reflect the discontinuance of the services of the petitioner nor is there any order whereby the services of the petitioner have been discontinued. Therefore, the petitioner seems to be under the apprehension that his services may be discontinued and that in the petition there does not appear to be any basis for the said apprehension. According to the State counsel, the recruitment process has been initiated for filling up of the vacant post which could

be for filling of those posts which are still lying vacant even while the petitioner is in service.

4. Given the aforesaid facts and circumstances of the case, particularly taking note of the order of this Court dated 18.01.2018 passed in WPS No. 5496 of 2016 and the fact that the petitioner has since then been working, this Court is of the opinion that the advertisement to the extent of filling up of the vacant post other than the post which is being occupied by the petitioner would be permitted to be filled up by the respondents. However, it is made clear that the respondents under no circumstances would be permitted to replace the petitioner by another set of guest lecturer without complying with the directives given by his Court in WPS No. 5496 of 2016 dated 18.01.2018.
5. With the aforesaid observation, the writ petition stands allowed in part.

Sd/-
P. Sam Koshy
Judge