

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 8102 of 2019**

Dr. Shreshtha Shukla D/o Late Shri N.D. Shukla, Aged About 46 Years, R/o H. No.388, Subhas, H. No.388, Subhas Nagar, Durg, Chhattisgarh, Occupation Guest Faculty (Sociology), At Government College, Arjunda, District Balod, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. Additional Director, Directorate Of Higher Education Department, Atal Nagar, Raipur, Chhattisgarh
3. Principal, Government College, Arjunda, District Balod, 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****01.10.2019**

1. The challenge in the present writ petition is to the advertisement Annexure P-1 dated 03.09.2019.
2. The contention of the petitioner is that the petitioner has a better case for being considered for appointment rather than the need for filling up of the post by way of a fresh recruitment. According to the petitioner, she was working as a guest faculty for academic session

2016-17 and was also appointed as a guest faculty for the year 2017-18. However, since regular teachers were posted at the school by way of transfer, the services of the petitioner stood discontinued from December, 2017. According to the petitioner, there is no finding of the respondents that the services of the petitioner were not satisfactory or the services of the petitioner were discontinued for non performance neither is there any allegation of misconduct alleged against the petitioner for her discontinuance.

3. The further contention of the petitioner is that now the teachers who had come on transfer has been sent to different places and vacancy has again arisen and the respondents are now going to fill up the posts by way of fresh recruitment for which the advertisement Annexure P-1 has been issued. According to the petitioner, the respondents should have considered the experience that the petitioner has and the services rendered by the petitioner at the very same school as guest faculty and preferential treatment should be given by again appointing her as a guest lecturer.
4. The contentions of the petitioner are not sustainable for the simple reason that admittedly the services of the petitioner stood discontinued from December, 2017 onwards. From December, 2017 till date the petitioner is not working in any of the schools. Under the circumstances, if the respondents go for a fresh recruitment and the petitioner fulfills the eligibility criteria, she can also participate in the said recruitment process. Merely because in the past the petitioner had worked as a guest faculty in the same school by itself would not give her an indefeasible right against the said post particularly when

she is not teaching continuously at the said school in the previous academic year and there is a break in service for a considerable period of time.

5. Given the said facts, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order. Accordingly, the writ petition stands rejected.
6. The rejection of the writ petition would not preclude the petitioner from approaching the authority concerned by making a suitable representation for considering her claim.

**Sd/-
P. Sam Koshy
Judge**