

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7724 of 2018

Yogesh Kumar Sai S/o Shri Brajananden Sai, Aged About 32 Years, Presently Posted As Assistant Teacher (Panchayat), At Government Primary School Khaspara, Janpad Panchayat Sitapur, R/o Village Dhodhibahar, Tahsil Kunkuri, District Jashpur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Sarguja District Sarguja Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat, Sitapur, District Sarguja, Chhattisgarh.
4. Block Education Officer, Sitapur, District Sarguja, Chhattisgarh.

---Respondents

For petitioner	:	Shri Waquar Naiyer, Advocate.
For State	:	Ms. Sunita Jain, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/01/2019

1. Ignoring the defaults pointed out by the registry for the moment, with the consent of the parties the petition has been finally heard.
2. The relief sought for by each of the petitioner in the instant writ petition is for a direction to the respondents to consider the candidature of the petitioner for regularization on the post of Assistant Teacher (Panchayat) w.e.f. 28.11.2009 i.e. immediately on their completing 2 years of service from the initial date of appointment.

3. Perusal of the record would show that the case of the petitioner had been scrutinized at the Janpad level and there is a resolution passed by the Janpad in favour of the petitioner vide resolution dated 14.08.2017. Later on, the respondent no.3 also i.e. the Chief Executive Officer, Janpad Panchayat, Sitapur has also recommended the case of the petitioner for regularization to the Chief Executive Officer, Zila Panchayat, Surguja i.e. the respondent No.2.

4. Though, a couple of recommendations have been made to the respondent No.2, but no decision has been taken by the authorities concerned, till date. The respondents, in turn, have filed a detail reply and along with the reply, there is this document Annexure R/3.8 dated 08.08.2018, which reflects that the Collector, who was appraised of the grievance of the petitioners has passed an order for due verification of the claim of the petitioners for regularization. That for the said purpose, the Collector has also constituted a committee, as is reflected from the document Annexure R/3.8.

5. During the course of hearing, the State counsel also fairly submits that subject to the verification of the credentials of the petitioners, appropriate order would be passed so far as regularization is concerned, at the earliest.

6. Given the aforesaid submissions and contentions and also taking note of the document Annexure R/3.8, the correspondence made by the Collector, Surguja, this Court is of the opinion that it appears that the case of

the petitioner is in the process of consideration and subject to verification, their claim would be decided in accordance with the rules and regulations.

7. In view of the same, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petitions pending any further. Accordingly, these writ petitions stands disposed of with a direction to the respondent No.3 to take a decision at the earliest, of course subject to verification of the credentials of the petitioner as has been directed by the Collector, vide his order dated 08.08.2018.

8. It is expected that the authorities would conclude the verification part also at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.

9. With the aforesaid observations, the Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit