

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9342 of 2019**

1. Chitrakant Yadav S/o Nohar Lal Aged About 43 Years Working As Assistant Teacher (Panchayat) And Posted At Govt. Primary School Anthulakapa, Block Bilha, District Bilaspur Chhattisgarh
2. Kand Kumar Kamalsen S/o Anjor Das Aged About 50 Years Working As Assistant Teacher (Panchayat) And Posted At Govt. Primary School Lachhanpur, Bharari, Block Bilha, District Bilaspur Chhattisgarh
3. Rakesh Jogi S/o Shri Bhaiyalal Jogi Aged About 34 Years Working As Assistant Teacher (Panchayat) And Posted At Govt. Primary School Mohtara, Block Bilha, District Bilaspur Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Director Panchayat Avam Samaj Sewa, Mantralaya, Mahanadi Bhawan, Raipur, District Raipur Chhattisgarh
3. Zila Panchayat Bilaspur Through Its Chief Executive Officer, Zila Panchayat Bilaspur, District Bilaspur Chhattisgarh
4. Janpad Panchayat Bilha Through Its Chief Executive Officer, Janpad Panchayat Bilha, District Bilaspur Chhattisgarh

---- Respondents

For Petitioners : Shri Ajay Shrivastava, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/11/2019**

1. Heard.
2. The grievance of the petitioners is that the petitioners were successfully

participated in the appointment for the post of Shiksha Karmi Grade-III in the year 2011, they appeared in the counseling, however, barring the petitioners the appointment letter for the other prospective candidates were issued. Against such non issuance of the appointment order, the petitioners filed a writ petition bearing WPS No.2186 of 2011 wherein this Court on 31.08.2015 has passed the following the order:-

“10.In the result:-

- The writ petition on behalf of Petitioner No.1 – Ku. Jyoti Kerketta has been rendered infructuous and it is accordingly dismissed as having become infructuous.
- The writ petition on behalf of Petitioner Nos.2 to 6 namely, Rakesh Kumar Jogi, Ku. Anita Singh, Chitrakant Yadav, Satish Valare and Kand Kumar Kamalsen is allowed. The Janpad Panchayat shall issue posting orders in favour of these petitioners within a period of one month from today, subject however to fulfillment of all the eligibility conditions by them.
- The writ petition on behalf of Petitioner No.7 – Pankaj Bhange is dismissed as he has participated in the counseling after 6th February,2011.”

The petitioners thereafter were issued appointment order on 06.10.2015 (Annexure P-1).

3. It is the contention of the petitioners that though other similarly situated persons were appointed on 07.02.2011 and the petitioners though were selected, however, by the order of this Court when they were given appointment in the year 2015, their seniority is affected and it is stated that because of the fault of the CEO, the petitioners were not given seniority and therefore, they are entitled for the back wages as also the seniority. Learned counsel for the petitioners would submit that the petitioners have filed representation, which may be directed to be decided by a speaking order.

4. Perusal of the order passed by this Court in WPS No.2186 of 2011 on 31.08.2015 would show that this Court has directed for issuance of the posting order in favour of the petitioners, thereby it was assumed that the petitioners were appointed in the year 2011 and only the direction for issuance of posting orders was issued. Taking into such fact since at present the limited prayer is made for deciding the representation, reserving liberty to raise all the grounds in future, if need be, as of now it is directed that the representation of the petitioners (Annexure P-4) shall be decided by a speaking order by the CEO, Janpad Panchayat, Belha within a period of 45 days from the date of receipt of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu