

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 8362 OF 2018**

1. Smt. Clostica Toppo W/o Shri Amit Kishore Toppo, aged about 35 years, presently posted as Lecturer (Panchayat) Govt. Higher Secondary School, Marka, Kabirdham, Chhattisgarh.

...Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Department of School Education, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. State of Chhattisgarh, Through the Secretary, Department of Panchayat and Rural Development, New Raipur, District Raipur (C.G.)
3. The Block Education Development Officer, District Kabirdham (C.G.)
4. The Chief Executive Officer, Zila Panchayat, Kawardha, District Kabirdham (C.G.)
5. The Principal, Government Higher Secondary School, Marka, Marka, Kawardha, District Kabirdham (C.G.)

... Respondent(s)

For Petitioner	: Shri Animesh Verma, Advocate.
For Respondent-State	: Ms. Sunita Jain, PL.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02.01.2019**

1. The claim of the petitioner through the present writ petition is that the petitioner's case for absorption is not being considered by the department though the petitioner has the requisite length of service required for absorption in the Education Department.
2. The petitioner initially was appointed as a Shiksha Karmi, Grade- I in the year 2010. The petitioner continues to work in the Panchayat Department. Recently, the State Government has passed a circular whereby it has been mentioned that all those teachers in the Panchayat Department having more that eight years of services would be absorbed in the Education Department. According to the petitioner, she also has more than eight years of service but her claim for absorption has not been

considered by the Department. As per the contention of the petitioner, she has been orally instructed by the authorities that the petitioner in between 02.07.2014 to 19.12.2014 and again from 22.12.2014 to 26.06.2015 was on medical leave. The leave was also duly sanctioned by the Department. In addition, she also took earned leave between 11.01.2017 to 26.01.2017 and later on availed the maternity leave between 03.07.2017 to 03.01.2018 and all these periods of absence have not been counted by the department for the purpose of absorption.

3. A careful perusal of the records would show that there is no order passed by the State Government declaring that intervening period of absence be treated as break in service. Unless there is specific order of break in service, the leaves which have been availed by the petitioner which in the instant case has been sanctioned by the authorities concerned cannot be considered as break in service for counting the length of service. Though there is no written order passed by the department in this regard and according to the petitioner she has been orally informed in this regard for not being considered for absorption.

4. Given the said facts and circumstances of the case, let the petitioner make a fresh detailed representation in this regard supported by all the relevant documents and records to the respondent No. 2 who in turn, shall decide the said representation within a period of 60 days from the date of receipt of representation and pass an appropriate order in accordance with the rules and regulations applicable for absorption.

5. It is made clear that this Court has not expressed any opinion so far as the entitlement of the petitioner for absorption is concerned which shall

be considered by the authorities in accordance with the circular governing the absorption.

6. With the aforesaid observation, the writ petition stands disposed of.
No costs.

Sd/-

(P. Sam Koshy)
Judge