

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPS No. 8528 of 2018

1. Sanjeev Kumar Verma S/o Shri Kulakram Verma, Aged About 36 Years, Guest Faculty (English), R/o Village Lakholi, District Rajnandgaon Chhattisgarh.
2. Sandeep Kumar S/o Shri Ishwar Gadheval, Aged About 24 Years, Guest Faculty (Physics), R/o Village Marutola, Post Pipariya, District Rajnandgaon Khairagarh Chhattisgarh.
3. Sandeep Kumar S/o Shri Late Manharan Lal Shrivastava, Aged About 24 Years, Guest Faculty (Commerce), R/o Ward- 17 Goal Bajar Patel Ward Dongargarh, District Rajnandgaon Chhattisgarh.
4. Ku. Chhaya Rajput D/o Shri Mohan Singh Rajput, Aged About 24 Years, Guest Faculty (Mathematics), R/o Village Fillapara, Dongargaon, District Rajnandgaon Chhattisgarh.
5. Ku. Yogita D/o Shri Vijay Kumar Sahu, Aged About 24 Years, Guest Faculty (Political Science), R/o Village Singdai, Ward No.50, Post Mohara, District Rajnandgaon Chhattisgarh.
6. Ku. Neha Sahu D/o Shri Om Prakash Sahu, Aged About 24 Years, Guest Faculty (Sociology), R/o Village Mokhala, Post Bharaigaon, Tehsil And District Rajnandgaon Chhattisgarh.
7. Ku. Anjali Verma D/o Shri Laldas Verma, Aged About 25 Years, Guest Faculty (Chemistry), R/o Jamalpara, District Rajnandgaon Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Additional Director, Director Of Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. Commissioner, Higher Education Department, Block C-3, 2nd And 3rd Floor, Indrawati Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
4. Principal, Government Naveen College, Thelkadih, District Rajnandgaon, Chhattisgarh.

---Respondents

For petitioners	:	Shri Chandradeep Prasad, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer.

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

07/01/2019

1. The petitioners in the present writ petition are aggrieved by the decision of the State Govt. dated 09.10.2018 Annexure P-1 whereby the State Govt., as a precautionary measure, has directed the concerned Principals of the Govt. Colleges not to appoint any Guest Faculty in respect of those subjects where in previous years the arrangement was being made by way of Guest Faculty.
2. The instruction so issued by the State Govt. appears to be in the light of some directions given by this Court in a couple of writ petitions, the leading of which being WPS No. 4938 of 2018 and other analogous matters which came up for hearing before this Court and where this Court had granted interim relief on 31.07.2018.
3. According to the petitioner, they have already been granted appointment and by virtue of appointment, they are still discharging their duties. Contention of the counsel for the petitioners is that the college in which the petitioners are working and also the subject which the petitioners are teaching, there is no litigation in as much as there is no writ petition against the said college and also against the subject in which the petitioners are teaching. It is the further contention of the petitioners that the order Annexure P-1 dated 09.10.2018 is only an order passed by the department to avoid a situation of contempt of Court. According to the petitioners, the contempt of Court would arise only in the event of there being a specific

direction or a writ issued against a particular college or against a particular subject which in the instant case does not exist.

4. This fact is not disputed by the State counsel.

5. Given the said facts and also taking note of the directions given by this Court vide order dated 31.07.2018 in the bunch of writ petitions, it is evidently clear that this Court had granted interim protection to only those specific petitioners who had approached the High Court and the interim protection also was confined to the subject against which each of the petitioners were working. This Court in the subsequent series of litigation of similar nature had specifically mentioned that the recruitment process, if any, would be permitted to be continued except for filling up those posts where there is a claim by the previous academic sessions' guest faculties and the said interim order would come into force only in the event of the posts are lying vacant and it has not been filled up before the interim orders were passed by this Court.

6. Given the aforesaid facts, this Court is of the opinion that the services of the petitioners since have not been questioned in any other writ petition and that the petitioners are still by virtue of appointment granted to them continuing in service, their services should not be discontinued.

7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE