

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10007 of 2019**

- Sanjeeb Kumar Mandal, S/o Vashist Mandal Aged About 26 Years Presently Posted As Govt. High School, Amakot, Block Antagarh, District North Bastar Kanker Chhattisgarh As Atithi Shikshak, R/o Village And Post Bande, The Pakanjur, District Kanker Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, Chhattisgarh
2. Directorate Of Public Instruction Through The Director, DPI, New Raipur Chhattisgarh
3. District Education Officer, District North Bastar Kanker Chhattisgarh

---- Respondents

For Petitioner : Shri Rohit Sharma, Advocate

For Respondents/State : Shri Ravish Verma, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****04/12/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the issue involved in the present writ petition has already been considered and decided by this Court in WPS No.8025 of 2019, therefore, the same order may be passed in the present writ petition also.
3. This Court in WPS No. 8025 of 2019 on 01.10.2019 has passed the following order:-

“1. The present writ petition has been filed only on apprehension that the services of the petitioner may be discontinued on the vacancy available in the respective

schools being filled up by way of transfer of regular teachers.

2. According to the petitioner, he was initially working as Vidya Mitan in the previous academic session and as per the policy of the State Government dated 24.06.2019 the petitioner has been granted appointment as Atithi Shikshak giving preferential treatment for the service rendered as Vidya Mitan.
3. The apprehension of the petitioner is that in the event of the State Government making large scale transfers and the regular posts lying vacant in the schools, being filled up by regular teachers complying with the order of transfer, there are all possibilities that the services of the petitioner may be discontinued. According to the petitioner, the School Authorities have in a couple of cases taken such a step and thus the petitioner has approached this Court.
4. The prayer of the petitioner is that once when clause 7.4 holds that the case of the petitioner should be considered first against those schools, where there are no regular teachers or where there are vacancies of more than three regular teachers and after exhausting the said category of schools, the Authorities would consider the case of the petitioner where there is one teacher available with vacancy of more than two regular teachers.
5. According to the petitioner, in the eventuality of the services of the petitioner being getting discontinued, the Authorities may consider clause 7.4 of the policy dated 24.06.2019 by accommodating the petitioner in any other school, which would be available as per clause 7.4 of the aforesaid policy. For ready reference clause 7.4 is reproduced herein under:

“7.4 सर्वप्रथम शिक्षक विहीन हाई/हायर सेकेण्डरी स्कूलों में 03 व्याख्याता के रिक्त पद के विरुद्ध अतिथि शिक्षक की व्यवस्था की जाए, तत्पश्चात् एकल शिक्षकीय हाई/हायर सेकेण्डरी स्कूलों में 02 व्याख्याता के रिक्त पद के विरुद्ध अतिथि शिक्षक की व्यवस्था की जाए।”
6. To the said submission of the petitioner, the State counsel submits that once when there is a policy decision of the State Government in this regard, it is expected that the Authorities in the State Government would follow this policy in its letter and spirit. The petitioner need not have any apprehension as of now and that no cause of action till date has arisen.
7. Given the said submission that the State counsel has made and the apprehension of the petitioner as such, this Court is of the opinion that the writ petition itself can be disposed of with a direction to the respondent No.3 to ensure that in the eventuality of discontinuing the services of the petitioner on the regular posts getting filled up by way of transfer of regular teachers, the petitioner's case be considered for his appointment against those schools where there are still

vacancies available in compliance of clause 7.4 of the policy dated 24.06.2019 of the State Government.

8. With the aforesaid observations, the present writ petition stands disposed of.

4. Learned State counsel has no objection.

5. It is ordered accordingly. The ratio laid down in the case supra shall also govern the cause of lis in this case and will have the same effect and operation.

6. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti