

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4816 of 2020

1. Tankeshwar Nagesh S/o Shri Bhagat Ram Nagesh, Aged About 45 Years
Occupation - Peon (Part Time), Government Higher Secondary School,
Gram/ Post - Tetalkhuti, Block - Mainpur, District - Gariyaband (C.G.) R/o
Gram / Post - Tetalkhuti, Via - Devbhog, Block - Mainpur, Police Station -
Devbhog, District - Gariyaband Chhattisgarh. 493890.

---Petitioner(s)

Versus

1. State of Chhattisgarh, Through The Secretary, School Education
Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur
Chhattisgarh. 492002.
2. Director Cum Commissioner, Directorate Of Public Instruction, Indrawati
Bhawan, Atal Nagar, Nava Raipur Chhattisgarh – 492002.
3. Collector, District - Gariyaband, Police Station And District - Gariyaband
Chhattisgarh.
4. District Education Officer Police Station and District - Gariyaband
Chhattisgarh.
5. Assistant Commissioner, Tribal Development, Police Station And District -
Gariyaband Chhattisgarh.

---Respondents

For Petitioner	:	Shri SK Thomas, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. AG.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.12.2020

1. The claim of the petitioner in the present writ petition is for an appropriate
direction to the respondents for considering the claim of the petitioner for
regularization.
2. According to the petitioner, he was initially engaged as Part Time Peon but
subsequent to the upgradation of the School the petitioner was taken in
service as Contingency Paid Peon and since then he is discharging his
duties as Contingency Paid Peon on the said school uninterruptedly. The
contention of the petitioner is that on account of bifurcation of the School
between Education and Tribal Department, the petitioner's school came
under the Tribal Department and whereas the persons who were similarly
placed and who have been retained in the Education Department, have

got the benefit of regularization vide Annexure P/7 dated 13.01.2011, however, the petitioner for some reasons have not been regularized till date. The petitioner has been repeatedly approaching the authorities making a prayer for regularization. The counsel for the petitioner further submits that similarly placed persons in the Tribal Department also in different Districts have all been regularized in due course of time except for the petitioner.

3. Given the limited grievance that the petitioner has and also taking note of the contentions of the petitioner that similarly, if not identically, placed persons have already been regularized both in the Education department as also in the Tribal Welfare Department, ends of justice would meet if the writ petition is disposed of directing the respondents No.2,3 and 5 to take in to consideration the claim of the petitioner at par with all other similarly placed persons who were appointed along with the petitioner and also looking into the contention of the petitioner that in other districts similarly placed persons have already been granted benefit of regularization. Let a decision be taken by the respondents in this regard within a period of 90 days from the date of receipt of copy of this order.
4. In addition, the petitioner is also entitled to make a fresh representation supported with all relevant records/documents in support of his contentions to the respondents No.2,3 and 5.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge