

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) NO.3531 of 2013**

Sukhdev Pradhan S/o. Shri Maheshwar Pradhan, aged about 39 years, R/o. Village-Mohgaon, Post-Block-Pithoura, P.S.-Pithoura, Civil & Revenue Distt.-Mahasamund (CG)

-----Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Panchayat and Rural Development Department Mahanadi Bhawan, Mantralaya, New Raipur, Distt.Raipur (CG)
2. Additional Collector, Mahasamund, Distt.Mahasamund (CG)
3. The Chief Executive Officer, Jila Panchayat – Mahasamund, Distt.-Mahasamund (CG)
4. The Chief Executive officer, Janpad Panchayat – Pithoura, Distt.-Mahasamund (CG)

----- Respondents

For Petitioner	: Mr.Vivek Tripathi, Advocate
For Res.No.1 and 2	: Mr.Sunil Otwani, Addl.A.G. with Mr.Sakti Singh, P.L.
For Res.No.3 & 4	: None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/9/2021

1. The petitioner herein calls in question legality, validity and correctness of the order dated 9.3.2011 (Annexure P-1) passed by respondent No.4 by which respondent No.4 has rejected the representation of the petitioner for his appointment on the post of Shiksha Karmi Grade III.
2. Mr.vivek Tripathi, learned counsel for the petitioner, would submit that in view of order passed by the Collector, Mahasamund dated 10.9.2010 (Annexure P-5), the petitioner ought to have been appointed on the post of Shiksha Karmi Grade-III as he was earlier working on the

post of Guruji.

3. On the other hand, Mr. Sunil Otwani, learned Additional Advocate General for respondents No.1 and 2/State, would submit that recruitment on the post of Shiksha Karmi Grade III is governed by the Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Services) Rules, 2007 (for short, 'the Rules of 2007'), in which in accordance with Rule 6(1)(a) of the Rules of 2007, appointments of Shiksha Karmis are made by Vyapam on the basis of merit and eligibility criteria and no appointments can be made de-hors the rules. The decision of the Collector, Mahasamund is only recommendatory in nature and since the Chief Executive Officer, Janpad Panchayat Pithoura is appointing authority, he has rightly directed that the petitioner cannot be appointed on the post of Shiksha Karmi Grade III in accordance with law.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. True it is that the petitioner was working on the post of Guruji and the Government of Madhya Pradesh has taken a policy decision to discontinue the services of Guruji and thereafter the petitioner filed writ petition and this Court directed for consideration of representation though the Collector, Mahasamund directed on the basis of similar cases to consider the case of the petitioner for appointment on the post of Shiksha Karmi Grade III, but

respondent No.4 who is appointing authority has clearly came to the conclusion that appointment of Shiksha Karmi Grade Grade III is governed by the Rules of 2007 and appointment can only be made in accordance with the Rules of 2007. Merely because the petitioner was earlier working on the post of Guruji, he cannot be appointed on the post of Shiksha Karmi Grade III. Such a order is strictly in accordance with law as appointment has to be made in accordance with the Rules by calling and inviting applications and on the basis of eligibility criteria which it is stated at the Bar that the petitioner does not possess qualification of Teachers Eligibility Test for appointment on the post of Shiksha Karmi Grade III and as such, he cannot be appointed. Such an order passed by respondent No.4 is in accordance with law. I do not find any merit in this writ petition.

6. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-