

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 2417 OF 2019**

Nityanand Yadav, S/o Gauri Lal Yadav, aged about 37 years, presently posted as Lecturer (Panchayat) at Government Higher Secondary School, Kothari, R/o Village Mahuldip, Tahsil Malkharoda District Janjgir-Champa (CG)

... Petitioner

versus

1. State of Chhattisgarh, through its Secretary, School Education Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
3. Chief Executive Officer, Zila Panchayat Korba, District Korba (CG)
4. District Education Officer, Korba, District Korba (CG)
5. Block Education Officer, Block Kartala, District Korba (CG)

... Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate.
For Respondents/State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/01/2021

1. Prayer made by Petitioner in the present Writ Petition is for issuance of direction to Respondents to count the Petitioner's service from the date of appointment and not from the date of joining.
2. Petitioner had been seeking this relief so as to obtain the benefit of absorption in the School Education Department as per the policy of the State Government, dated 30.6.2018.
3. Matter pertains to absorption of those Teachers (Panchayat/Urban Administration Department) whose services have been taken by the School Education Department should be absorbed as per the policy dated 30.6.2018.
4. As per the said policy, whoever has 8 years of service as on 1.7.2018 would be considered for absorption.
5. Subsequently, another order was passed on 2.7.2018 by the Secretary, School Education Department, whereby it has been ordered that all those Teachers (Panchayat/Urban Administration Department) who have completed 8 years of service as on 1.7.2019 would be again considered for absorption and this process thereafter would be continued on the completion of 8 years of service by the department by the first of January as also by the first of July each year for the purpose of absorption.

6. So far as the present matter is concerned, the Petitioner was appointed vide order dated 30.6.2010 and he had given his joining on 2.7.2010. Even accepting 2.7.2010 to be the date of appointment, the Petitioner undisputedly completed his 8 years of service on 1.7.2018.

7. In the given facts, so far as the Petitioner herein is concerned, his claim squarely falls within the circular dated 30.6.2018 for the purpose of absorption and this Court does not find any good reason for not granting the benefit in accordance with the policy dated 30.6.2018 to the Petitioner subject to his fulfilling the other eligibility criterias required for absorption if any under the Rules.

8. Given the aforesaid factual matrix of the case, this Court is of the opinion that since the Petitioner has 8 years of service as on 1.7.2018 even from the date of joining i.e. 2.7.2010, the present Writ Petition can be disposed of with a direction to the concerned Respondents to consider and decide his claim for absorption in accordance with the policy prevalent and the rules governing the field, within a period of 90 days from the date of receipt of certified copy of this order.

9. Writ Petition accordingly stands disposed of with the aforesaid direction.

Sd/-
(P. Sam Koshy)
JUDGE

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