

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5343 of 2021

1. Abhishek Kumar Pandey S/o Shri Vinay Kumar Pandey Aged About 31 Years R/o Village Palma, Chandramedha, Sarguja District Sarguja Chhattisgarh
2. Santosh Kumar Yadav S/o Shri Badama Prasad Yadav Aged About 35 Years R/o 101, High School Road Navapara, Ludeg, Jashpur, District Jashpur Chhattisgarh
3. Jyoti Sahu W/o Shri Devendra Kumar Sahu Aged About 25 Years R/o Mahuwapara, Ward No. 15 Surajpur, District Surajpur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Its Principal Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Director Directorate Of Public Instruction, Department Of School Education, Indrawati Bhawan, Block C, 1st Floor, Atal Nagar, Nawa Raipur, Raipur Chhattisgarh
3. Joint Director Directorate Of Public Instruction, Department Of School Education Indrawati Bhawan, Block - C, 1st Floor, Atal Nagar, Nawa Raipur, Raipur Chhattisgarh
4. Chhattisgarh Professional Examination Board, Through Its Secretary, Shailendra Nagar, Raipur, Chhattisgarh
5. Divisional Joint Director Education Division Sarguja District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Tridib Bhattacharya, Advocate.
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/10/2021

1. Prayer of the petitioner in the present writ petition is for issuance of appropriate direction to the respondents for considering the issuance of appointment orders in favour of the petitioners who have been declared meritorious for appointment to the post of Teacher (Biology and Teacher(Mathematics)).

2. Learned State counsel submits that initially there was an interim order given by the Division Bench of this Court in WPS 1081/2020 whereby there was an order of maintaining status quo in respect of the appointment to the post of Teachers and Assistant Teachers in the three Divisions at Bastar, Surguja and Korba.
3. During the course of hearing, counsel for the respondents drew the attention of the order of Division Bench dated 23.09.2021, whereby Division Bench has modified the order dated 24.02.2020 by holding as under :-

“However, considering the prayer for modification made by learned State Counsel, it is clarified that the interim order passed on 24.2.2020 in WPS No.1081 of 2020 shall apply in respect of the District Cadre Post i.e. the post of Assistant Teacher of Bastar, Sarguja and Korba Districts and it shall not affect the recruitment of Teacher, which is a Divisional Cadre Post.”

4. Plain reading of the aforesaid modified order would make it clear that interim protection granted by the Division Bench no longer exists so far as consideration for appointment to the post of Teacher and all other posts which are Divisional Cadre Post. The interim protection extended by the Division Bench is confined to the post which are otherwise District Cadre Post.
5. Given the said facts and considering the fact that petitioners herein are claiming appointment to the post of Teacher(Biology) and Teacher(Mathematics) and post of Teacher being the Divisional Cadre post, the interim protection granted by the Division Bench would not be applicable upon the claim of the petitioner henceforth. In the light of the modified order dated 23.09.2021, Accordingly the respondents are now

directed to take all necessary steps for completion of the recruitment process by issuance of appointment order for selected candidates at the earliest, unless ofcourse there is no other stay granted by any other Court in respect of same recruitment.

6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit