

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.4155 of 2019

Jhumuk Lal Sinha, S/o Late Kheduram Sinha, Aged about 37 years, posted as Choukidar, at Government Middle School Godiyari, District Gariyaband (C.G.), R/o Village Amlipadar, Tahsil Mainpur, District Gariyaband (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
 2. Collector, Gariyaband, District Gariyaband (C.G.)
 3. Assistant Commissioner, Tribal Development, Gariyaband, District Gariyaband (C.G.)
 4. District Education Officer, Gariyaband, District Gariyaband (C.G.)
 5. Chief Executive Officer, Janpad Panchayat, Mainpur, District Gariyaband (C.G.)
 6. Block Education Officer, Mainpur, District Gariyaband (C.G.)
- Respondents

Writ Petition (S) No.4866 of 2019

Smt. Bilas Baghel, W/o Late Jayram Baghel, Aged about 42 years, posted as Jalwahak, at Government Middle School Kodobhata, District Gariyaband (C.G.), R/o Village Amlipadar, Tahsil Mainpur, District Gariyaband (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
 2. Collector, Gariyaband, District Gariyaband (C.G.)
 3. Assistant Commissioner, Tribal Development, Gariyaband, District Gariyaband (C.G.)
 4. District Education Officer, Gariyaband, District Gariyaband (C.G.)
 5. Chief Executive Officer, Janpad Panchayat, Mainpur, District Gariyaband (C.G.)
 6. Block Education Officer, Mainpur, District Gariyaband (C.G.)
- Respondents

Writ Petition (S) No.4840 of 2019

Bharat Ram Sahu, S/o Mohan Ram Sahu, Aged about 42 years, posted as Cook, at Government Girls High School Amlipadar, District Gariyaband (C.G.), R/o Village Amlipadar, Tahsil Mainpur, District Gariyaband (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. Collector, Gariyaband, District Gariyaband (C.G.)
3. Assistant Commissioner, Tribal Development, Gariyaband, District Gariyaband (C.G.)
4. District Education Officer, Gariyaband, District Gariyaband (C.G.)
5. Chief Executive Officer, Janpad Panchayat, Mainpur, District Gariyaband (C.G.)
6. Block Education Officer, Mainpur, District Gariyaband (C.G.)

---- Respondents

Writ Petition (S) No.9407 of 2019

Smt. Premlata Chakradhari, W/o Ganesh Ram Chakradhari, Aged about 42 years, Peon, at Government Middle School Taurenga, District Gariyaband (C.G.), R/o Village Tauranga, Tahsil Mainpur, District Gariyaband (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. Collector, Gariyaband, District Gariyaband (C.G.)
3. Assistant Commissioner, Tribal Development, Gariyaband, District Gariyaband (C.G.)
4. District Education Officer, Gariyaband, District Gariyaband (C.G.)
5. Chief Executive Officer, Janpad Panchayat, Mainpur, District Gariyaband (C.G.)
6. Block Education Officer, Mainpur, District Gariyaband (C.G.)

---- Respondents

Writ Petition (S) No.10198 of 2019

Mahadev Bishal, aged about 33 yrs, S/o Shri Gadaram Bishal, Chowkidar, Pre Metric School, Bodarabadha, Block Chhura, District Gariyaband (C.G.), R/o Khudiyadih, P.O. Patsivani, Block Chhura, District Gariyaband (C.G.) - 493996

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
2. Secretary, SC and ST Development Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
3. Director, Directorate of Public Instruction, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
4. Commissioner, SC and ST Development Department, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
5. Collector, District Gariyaband (C.G.)
6. District Education Officer, District Gariyaband (C.G.)
7. Asst. Commissioner, Office of Collector (Tribal Development), District Gariyaband (C.G.)
8. Block Education Officer, Block Chhura, District Gariyaband (C.G.)

---- Respondents

Writ Petition (S) No.10158 of 2019

Chaman Singh Dhruw, aged about 47 yrs, S/o Late Kartik Ram Dhruw, Peon, Pre Metric School, Kudema, Block Chhura, District Gariyaband (C.G.), R/o Nagin Bahra, Block Chhura, District Gariyaband (C.G.) - 493996

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
2. Secretary, SC and ST Development Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
3. Director, Directorate of Public Instruction, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
4. Commissioner, SC and ST Development Department, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)

5. Collector, District Gariyaband (C.G.)
 6. District Education Officer, District Gariyaband (C.G.)
 7. Asst. Commissioner, Office of Collector (Tribal Development), District Gariyaband (C.G.)
 8. Block Education Officer, Block Chhura, District Gariyaband (C.G.)
- Respondents

Writ Petition (S) No.10155 of 2019

Amar Lal Nishad, aged about 43 yrs, S/o Shri Shyam Lal Nishad, Peon, Pre Metric School, Kasekera, Block Chhura, District Gariyaband (C.G.), R/o Sorid Khurd, Block Chhura, District Gariyaband (C.G.) - 493996

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
 2. Secretary, SC and ST Development Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
 3. Director, Directorate of Public Instruction, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
 4. Commissioner, SC and ST Development Department, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
 5. Collector, District Gariyaband (C.G.)
 6. District Education Officer, District Gariyaband (C.G.)
 7. Asst. Commissioner, Office of Collector (Tribal Development), District Gariyaband (C.G.)
 8. Block Education Officer, Block Chhura, District Gariyaband (C.G.)
- Respondents

Writ Petition (S) No.10157 of 2019

Harsu Ram Yadaw, aged about 30 yrs, S/o Shri Chaitram Yadaw, Peon, Pre Metric School, Tilaidadar, Block Chhura, District Gariyaband (C.G.), R/o Navadih, P.O. Kosmi, Block Chhura, District Gariyaband (C.G.) - 493996

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)

2. Secretary, SC and ST Development Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
 3. Director, Directorate of Public Instruction, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
 4. Commissioner, SC and ST Development Department, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
 5. Collector, District Gariyaband (C.G.)
 6. District Education Officer, District Gariyaband (C.G.)
 7. Asst. Commissioner, Office of Collector (Tribal Development), District Gariyaband (C.G.)
 8. Block Education Officer, Block Chhura, District Gariyaband (C.G.)
- Respondents

Writ Petition (S) No.10243 of 2019

Rakesh Kumar, aged about 31 yrs, S/o Shri Gajan Singh, Peon, Pre Middle School, Parsadakhurd, Block Chhura, District Gariyaband (C.G.), R/o Parsadakhurd, P.O. Patsivani, Block Chhura, District Gariyaband (C.G.) - 493996

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
 2. Secretary, SC and ST Development Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
 3. Director, Directorate of Public Instruction, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
 4. Commissioner, SC and ST Development Department, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
 5. Collector, District Gariyaband (C.G.)
 6. District Education Officer, District Gariyaband (C.G.)
 7. Asst. Commissioner, Office of Collector (Tribal Development), District Gariyaband (C.G.)
 8. Block Education Officer, Block Chhura, District Gariyaband (C.G.)
- Respondents

Writ Petition (S) No.10385 of 2019

Bramha Singh, aged about 40 yrs, S/o Shri Deena Ram, Class IV (Collector Rate-Peon), Pre Metric School, Khusarupali, Block Chhura, District Gariyaband (C.G.), R/o Khudiyadih, P.O. Patsivani, Block Chhura, District Gariyaband (C.G.) - 493996

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
2. Secretary, SC and ST Development Department, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
3. Director, Directorate of Public Instruction, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
4. Commissioner, SC and ST Development Department, Indravati Bhawan, Atal Nagar, Nava Raipur (C.G.)
5. Collector, District Gariyaband (C.G.)
6. District Education Officer, District Gariyaband (C.G.)
7. Asst. Commissioner, Office of Collector (Tribal Development), District Gariyaband (C.G.)
8. Block Education Officer, Block Chhura, District Gariyaband (C.G.)

---- Respondents

AND

Writ Petition (S) No.10139 of 2019

Smt. Sushila Ramteke, W/o Chandrachud Ramteke, Aged about 47 years, Jalwahak, at Government Middle School Deharguda, District Gariyaband (C.G.), R/o Village Mainpur, Tahsil Mainpur, District Gariyaband (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. Collector, Gariyaband, District Gariyaband (C.G.)
3. Assistant Commissioner, Tribal Development, Gariyaband, District Gariyaband (C.G.)
4. District Education Officer, Gariyaband, District Gariyaband (C.G.)

5. Chief Executive Officer, Janpad Panchayat, Mainpur, District Gariyaband (C.G.)

6. Block Education Officer, Mainpur, District Gariyaband (C.G.)

---- Respondents

For Petitioners in W.P.(S)Nos.4155/2019, 4866/2019, 4840/2019, 9407/2019 and 10139/2019: Mr. Mateen Siddiqui, Advocate.

For Petitioners in W.P.(S)Nos.10198/2019, 10158/2019, 10155/2019, 10157/2019, 10243/2019 and 10385/2019: -

Mr. Tanmay Thomas, Advocate.

For Respondents/State: -

Mr. Amrito Das, Additional Advocate General and

Mr. Jitendra Pali, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/12/2021

1. Since common question of law and fact is involved in this batch of writ petitions, they are clubbed and heard together and are being disposed of by this common order.
2. The petitioners were working on daily wage basis on the post of Chowkidar, Peon, etc., and now, they have been relieved for joining in the Office of the Assistant Commissioner, Tribal Welfare, Gariyaband and according to them, the Assistant Commissioner, Tribal Welfare is not accepting their joining and they are not being allowed to work therein.
3. In some of the cases, return has been filed opposing the submission made in the writ petitions.
4. Since the dispute is between the Department of School Education and the Department of Tribal Welfare, it would be appropriate to direct the Secretaries of both the Departments to sit together and resolve the dispute that has cropped-up between the two Governmental Departments. The petitioners will file all the relevant documents

before the Collector, Gariyaband and the Collector shall forward the same to the Committee of two Secretaries of the Department of School Education and the Department of Tribal Welfare who shall take decision within a period of 60 days from the date of receipt of a copy of this order. The petitioners shall be entitled to file their submissions before the two Secretaries of the State Government. Thereafter, the petitioners are at liberty to proceed in accordance with law, on the basis of the order passed by the committee of two Secretaries.

5. With the aforesaid observation and direction, the writ petitions stand finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma