CGHC010317272026 2026:CGHC:45566

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6217 of 2026

Ravi Daou Deshmukh S/o Sevendra Singh Deshmukh Aged About 40 Years Through His Wife Smt. Yashoda Deshmukh W/o Ravi Daou Deshmukh, Aged About 40 Years, R/o Village Borai, Post - Borai Nagpura, District Durg Chhattisgarh

... Petitioner(s)

SHOAIB ANWAR Digitally signed by SHOAIB ANWAR Date: 2026.10.29 11:13:37 +0530

versus

1 - State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

2 - State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

3 - Director Directorate Of Public Instructions, Indravati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

4 - District Education Officer Rajnandgaon, District Rajnandgaon Chhattisgarh

5 - Block Education Officer Block - Dongargarh, District Rajnandgaon Chhattisgarh

6 - Principal Govt. Higher Secondary School, Kotitola, Block - Dongargarh, District Rajnandgaon Chhattisgarh

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	**:**	Shri Mayank Chandrakar, Advocate
For Respondent(s)	**:**	Shri Shreyansh Mehta, Panel Lawyer

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

28.10.2026

1. By way of the present writ petition, the petitioner has sought quashing of the order dated 18.02.2026 and a direction to the respondents to complete the process of his absorption from the Panchayat Cadre to the Education Department. The petitioner has further sought a direction to the respondents to create a supernumerary post and release his monthly salary along with all consequential benefits by extending the benefit of Clause 4 of the circular dated 01.10.2005 issued by the State of Chhattisgarh.

2. Learned counsel for the petitioner submits that, insofar as the relief seeking completion of the absorption process is

concerned, the same has become infructuous, as the respondents, in their reply, have stated that the absorption process has already been completed and that the petitioner was absorbed into the Education Department on 10.08.2018.

However, learned counsel submits that the petitioner, being a person with 60% disability and an employee of the State Government, is entitled to the benefits contemplated under Clause 4 of the circular dated 01.10.2005. Accordingly, he prays that a supernumerary post be created and the petitioner's salary be released in accordance with the said circular.

3. Per contra, Learned counsel appearing for the respondent/State, while referring to Clause 4 of the circular dated 01.10.2005, submits that the petitioner has remained absent from duty without obtaining leave for a period exceeding three years. However, he submits that no action has been taken against the petitioner in this regard. He further submits that, for extending the benefits contemplated under Clause 4 of the aforesaid circular, the petitioner's fitness to discharge the duties attached to the post against which he was appointed is required to be examined.

4. In this regard, learned counsel for the State refers to Annexure R/2, whereby the District Education Officer sought guidance from the DPI concerning the petitioner's prolonged absence from duty, particularly in view of the fact that the petitioner has not submitted any application for leave since 2015. He, therefore, submits that, upon filing of a fresh representation by the petitioner, the DPI may consider the petitioner's claim in light of the aforesaid facts and circumstances and take an appropriate decision in accordance with law within a stipulated time.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Considering the submissions advanced by learned counsel for the parties, it would be appropriate to refer to Clause 4.1 of the circular dated 01.10.2005 (Annexure P/9), which provides as under:

> **4.** भारत सरकार, सामाजिक न्याय तथा अधिकारिता मंत्रालय द्वारा निःशवत व्यक्ति अधिनियम, **1995** की धारा **47** को संशोधित किया है । संशोधित प्रावधान इस प्रकार है:-
>
> **4.1** "कोई भी कार्यालय किसी ऐसे कर्मचारी की सेवाएं समाप्त नहीं करेगा या उसके रैंक को कम नहीं करेगा जो सेवा के दौरान

निःशक्त हो जाता है, और इस प्रकार निःशक्त हो जाने वाला कर्मचारी यदि अपने धारित पद के लिए उपयुक्त नहीं है तो उसे समान वेतनमान और सेवा प्रसुविधाओं वाले किसी अन्य पद पर स्थानान्तरित किया जा सकता है। यदि ऐसे कर्मचारी को किसी भी पद पर समायोजित किया जाना संभव नहीं है तो उसे उपयुक्त पद उपलब्ध होने तक अथवा अधिवार्षिक आयु पूर्ण होने तक, इसमें से जो भी पहले हो, अधिसंख्य (सुपरन्यूमेरी) पद पर रखा जाए।"

7. In view of the aforesaid provision, the writ petition is disposed of with a direction to the Director, Directorate of Public Instruction (DPI), to consider the petitioner's claim in accordance with Clause 4 of the circular dated 01.10.2005 (Annexure P/9), in the event the petitioner files a fresh representation along with the relevant supporting documents.

8. While considering the representation, the authority shall also examine the issue relating to the petitioner's absence from duty since 2015, particularly in view of the petitioner's assertion that he had been repeatedly submitting intimations regarding his absence to the District Education Officer, Rajnandgaon, and the Block Education Officer, Dongargarh.

9. The aforesaid exercise shall be completed and an appropriate reasoned and speaking order shall be passed within a period of 60 days from the date of receipt of such representation.

10. The petitioner shall be at liberty to bring the present order to the notice of the Director, Directorate of Public Instruction, along with his representation and supporting documents.

11. With the aforesaid directions, the writ petition stands disposed of.

Sd/-

(Bibhu Datta Guru)

JUDGE

Shoaib