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Pritee Jaiswal Vs State Of Chhattisgarh And Ors

Writ Petition (S) No. 996 Of 2019

Court: Chhattisgarh High Court

Date of Decision: Feb. 15, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Prasoon Agrawal, Sameer Behar

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The petitioner in the present writ petition is aggrieved by the decision of the State Govt. dated 09.10.2018 Annexure P-1 whereby the State Govt.,

as a precautionary measure, has directed the concerned Principals of the Govt. Colleges not to appoint any Guest Faulty in respect of those subjects

where in previous years the arrangement was being made by way of Guest Faculty.

2. The instruction so issued by the State Govt. appears to be in the light of some directions given by this Court in a couple of writ petitions, the leading

of which being WPS No. 4938 of 2018 and other analogous matters which came up for hearing before this Court and where this Court had granted

interim relief on 31.07.2018.

3. According to the petitioner, she had already been granted appointment and by virtue of appointment, she is still discharging her duties. Contention of

the counsel for the petitioner is that the college in which the petitioner is working and also the subject which the petitioner is teaching, there is no

litigation in as much as there is no writ petition against the said college and also against the subject in which the petitioner is teaching. It is the further

contention of the petitioner that the order Annexure P-1 dated 09.10.2018 is only an order passed by the department to avoid a situation of contempt

of Court. According to the petitioner, the contempt of Court would arise only in the event of there being a specific direction or a writ issued against a

particular college or against a particular subject which in the instant case does not exist.

4. This fact is not disputed by the State counsel.

5. Given the said facts and also taking note of the directions given by this Court vide order dated 31.07.2018 in the bunch of writ petitions, it is

evidently clear that this Court had granted interim protection to only those specific petitioners who had approached the High Court and the interim

protection also was confined to the subject against which each of the petitioners were working. This Court in the subsequent series of litigation of

similar nature had specifically mentioned that the recruitment process, if any, would be permitted to be continued except for filling up those posts

where there is a claim by the previous academic sessions' guest faculties and the said interim order would come into force only in the event of the

posts are lying vacant and it has not been filled up before the interim orders were passed by this Court.

6. Given the aforesaid facts, this Court is of the opinion that the services of the petitioner since have not been questioned in any other writ petition and

that the petitioner is still by virtue of appointment granted to her continuing in service, her services should not be discontinued.

7. So far as the claim of the petitioner for remuneration as per the UGC regulations is concerned, let petitioner prefer an appropriate representation to

the appointing authority in this regard who in turn shall take appropriate decision in accordance with the rules, guidelines and regulations governing the

field, within an outer limit of 90 days from the date of receipt of the representation.

8. With the aforesaid observation, the writ petition stands disposed of.