

(2019) 02 CHH CK 0392

Chhattisgarh High Court

Case No: Writ Petition (S) No. 1201 Of 2019

Smita Martin

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 21, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Sunil Kumar Soni, Saleem Kazi

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The prayer made by the petitioner in this Writ Petition is for issuance of direction to the respondents to count the petitioner's service from the date

of appointment and not from the date of joining.

2. The 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 30/06/2018 (Annexure-P/3).

3. The 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 30/06/2018.

4. As per the said policy, whoever has 8 years of service as on 01/07/2018 would be considered for absorption.

5. Subsequently, another order was passed on 02/07/2018 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 01/07/2019 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 present matter is concerned, the petitioner was appointed vide order dated 30/06/2010 and she had given her joining on 02/07/2010.

7. Even accepting 02/07/2010 to be the date of appointment, the petitioner undisputedly complete their 8 years of service on 01/07/2018.

8. In the given facts, so far as the petitioner herein is concerned, her claim squarely falls within the circular dated 30/06/2018 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 30/06/2018 to the petitioner

herein subject to the petitioner fulfilling the other eligibility criteria required for absorption if any under the Rules.

9. 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 01/07/2018 even

from the date of joining i.e. 02/07/2010, the present Writ Petition can be disposed off with a direction to the concerned respondents to consider and

decide their 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.

10. The Writ Petition accordingly stands disposed off.