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**(2011) 02 CHH CK 0078**  
**In the Chhattisgarh High Court**  
**Case No : Writ Petitions No. 1077 of 2011**

Chandra Kumar Bhoi and Others

APPELLANT

Vs

State of Chhattisgarh and Others

RESPONDENT

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**Date of Decision :** 24-02-2011

**Acts Referred:**

**Citation :** (2011) 02 CHH CK 0078

**Hon'ble Judges :** Satish K. Agnihotri, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

Satish K. Agnihotri, J.—Heard learned Counsel for the parties.

2. By this petition, the Petitioners impugn the order dated 12-1-2011 (Annexure - P/1) passed by the Chief Executive Officer, Janpad Panchayat, Saraipali, by which the representation submitted by the Petitioners has been rejected. The Petitioners also seek a direction to the Respondent authorities to appoint the Petitioners as Shiksha Karmi Grade - III.

3. Learned Counsel appearing for the Petitioners submits that initially the Petitioners were appointed on the post of Guruji for the period of one academic session.

Thereafter, their services were discontinued on account of completion of the one academic sessions.

4. Being aggrieved by the said action of the Respondents, the Petitioners preferred a petition before this Court being W.P. (S) No. 5409 of 2008, which was disposed of by this Court by order dated 26-9-2008 with liberty to the Petitioners to make representation for redressal of their grievances and for considering their candidature for appointment on the post of Shiksha Karmi Grade - III. Subsequently, the Petitioners made a representation, which was decided by the Additional Collector, Mahasamund, by order dated 30-10-2010 with a direction to

grant appointment to the Petitioners on the post of Shiksha Karmi Grade - III, in accordance with law.

In spite of the aforesaid directions, the Chief Executive Officer, Janpad Panchayat, Saraipali, refused to grant appointment to the Petitioners on the post of Shiksha Karmi Grade - III on the ground that the post of Shiksha Karmi Grade III can be filled only after going the duly constituted selection process and in accordance with the provisions of the Chhattisgarh Panchayat (Recruitment and Conditions of Services) Rules, 2007 (for short "the Rules, 2007"). Thus, this petition.

5. On the other hand, learned Counsel appearing for the State submits that the Petitioners were appointed on the post of Guruj on honorarium basis for the period of one academic session. The impugned order has been passed, in accordance with law. The Respondent authorities have not committed any illegality or irregularity and have not at all violated the directions issued by this Court. Even otherwise, there is no provision in the Rules, 2007 wherein a Guruji / a contract teacher can be appointed on the post of Shiksha Karmi Grade - III directly on an application irrespective of his eligibility and by-passing the recruitment process.

6. It is well settled that when a project or a scheme or an office itself is abolished, relief by way of reinstatement is not granted. The Petitioners have no right to continue or to be appointed on the post of Shiksha Karmi Grade - III. Even otherwise, the appointment of the Petitioners on the post of Guruji was purely on temporary and honorarium basis.

7. The contention of Shri Nande, learned Counsel appearing for the Petitioners, that some of the candidates in Basna Janpad Panchayat have been appointed on the post of Shiksha Karmi. It is trite laws that equality cannot be claimed negatively, if certain illegal appointments have been made, the same benefit cannot be granted to other persons.

8. This Court in Sanjay Patil v. State of Chhattisgarh and Anr., while dealing with similar issue observed that "if the State Government has regularized some of the daily wagers, not appointed in accordance with the constitutional scheme of employment, this Court cannot issue a positive direction to legalise the illegal appointment on the ground that certain illegal appointments have been legalized/regularized by the employer. "

9. The identical issue came up for consideration before this Court in Ku. Bhagwan Sahu and Ors. v. The State of Chhattisgarh and Ors., wherein this Court held as under:

9. ...the Petitioners were removed on closure of the schools run under the EGS (Education Guarantee Scheme), the Petitioners have no right to continue or to be re-appointed as Shiksha Karmis. Even otherwise, the appointment of the Petitioners was purely on temporary and honorarium basis.

10. In view of foregoing, it cannot be held that the Chief Executive Officer, Janpad Panchayat, Saraipali, committed any illegality, infirmity or irregularity warranting interference of this Court.

11. Applying the well settled principles of law and for the reasons mentioned hereinabove, the writ petition, being devoid of merit, is liable to be and is hereby dismissed at the motion stage itself.