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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1167 of 2023**

- Nirmala Mohare (Now Janghel) D/o Shri Jeet Lal Mohare Aged About 36 Years R/o Tarun Nagar, Kushalpur, Raipur, District : Raipur, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
3. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh Through The Secretary, Tribal Development Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
5. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya At Mahanadi Bhawan, Atal Nagar Nava Raipur, District : Raipur, Chhattisgarh
6. State Of Chhattisgarh Through The Secretary, Labour Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Tanmay Thomas, Advocate  
For Respondents/State : Shri Ravi Bhagat, GA

**Hon'ble Shri Justice Parth Prateem Sahu**

**Order on Board**

**08.02.2023**

1. Heard.
2. Learned counsel for petitioner would submit that petitioner was engaged as Teacher under the National Child Labour Project (NCLP) run by the Government of India and he was employed within the State. NCLP Scheme came to be closed in the year 2016. The Scheme is taken over by the State Government, ie by the School Education and Literacy department. Though the scheme is now being run by the State Government under School Education and Literacy department, petitioner is not being engaged for work. Petitioner continuously worked under the



Scheme for about six years and now, after closure of scheme by the Government of India and taken over by the State Government, petitioner became un-employed. Petitioner submitted several representations before the respondent authorities and according to letter dated 05.10.2018 of Assistant Labour Commissioner, Raipur, it is mentioned that petitioner does not fall within the category of Government employee. Claim of petitioner has not been considered by the State Government in appropriate manner, for engaging petitioner in some other work. He submits that if petitioner could not be absorbed in Government department, he, can be engaged in some other work under different schemes run by the State.

3. Learned counsel for the State opposes submission of counsel for petitioner and would submit that on the query being made by Office of Hon'ble Chief Minister, Assistant Labour Commissioner has specifically mentioned that petitioner does not fall within the Category of an employee, who can be absorbed as he was working on 'honorarium'. He also pointed out that NCLP scheme was floated by the Government of India and closed in the year 2016 as reflected from the document annexed in writ petition.

4. Heard learned counsel for the parties and also perused documents placed on record.

5. Claim of petitioner is that petitioner was engaged under NCLP Scheme by Government of India, running within the State. According to letter dated 18.11.2022, it appears that NCLP Scheme was merged with 'Samagra Shiksha Abhiyaan' (SSA), in School Education and Literacy department. It is also appearing that scheme run by the Government of India came to an end in the year 2016, as the NCLP Scheme was merged with SSA, run by the department of the State ie School Education and Literacy Department. As submitted by learned



counsel for petitioner, claim of petitioner for his engagement can be considered for any work under any scheme run by the State Government.

6. In aforementioned facts of the case, at this stage, without entering into merits of claim of petitioner, I find it appropriate to dispose of this writ petition directing petitioner to submit fresh representation before respondents-1, 2 and 3, and the concerned respondents shall consider and decide the same in pragmatic manner, as to whether petitioner can be engaged in any other work under any other scheme run by the State, as petitioner worked for a considerable period of time under NCLP scheme run by the Government of India within the State.

7. Accordingly, this writ petition stands disposed of directing petitioner to submit detailed fresh representation before respondents-1, 2 and 3 raising all grounds as raised in writ petition. If such representation is submitted by petitioner, those respondents shall consider and decide the same in accordance with law within a period of **four months** from the date of receipt of representation.

8. It is made clear that this Court does not express any opinion on merits of claim of petitioner.

9. Accordingly, writ petition stands disposed of.

10. Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
JUDGE