



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WA No. 74 of 2021

- State of Chhattisgarh Through Its Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya Naya Raipur Chhattisgarh

---- Appellant

Versus

- Pawan Kumar Chandrakar S/o Jarhu Ram Chandrakar Aged About 62 Years Working As Lecturer At Govt. Mahatma Gandhi Higher Secondary School Rewa (Lakhouli) Block Arang, District Raipur Chhattisgarh R/o Village Borid, P. O. Rasani, P. S. Arang, District Raipur Chhattisgarh

---- Respondent

1	
12/03/2021	Shri Ashish Tiwari, Government Advocate for the Appellant/State. Shri Rajesh Kumar Kesharwani, Advocate for Respondent No.1. Shri Ashish Tiwari, the learned Government Advocate appearing for the Appellant-State submits that the interpretation given to the Absorption Rule, 1995 issued by the Government of Madhya Pradesh on 26.06.1995 is not correct and the relief has been given by the learned Single Judge merely with reference to the recommendation stated as given by the Screening Committee, to hold that the Respondent herein is having 7 years' of standing in the post of Principal. The Rule has been extracted in paragraph 7 of the judgment which clearly shows that the incumbent should have 7 years' experience in the 'post', whereas in the case of the Respondent, he is having only 4 years and 7 months of regular



service in the post. It is pointed out that the tenure for the period from 01.06.1991 to 01.06.1994 was only as an “in-charge”, which cannot be counted by virtue of the settled position of law on the basis of rulings rendered by the Apex Court on that point. This is a matter which requires to be examined.

Shri Rajesh Kumar Kesharwarni takes notice on behalf of the Respondent.

The appeal stands admitted.

There shall be an interim stay for a period of two months.

List this matter for further consideration after two months.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

