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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.2481 of 2023**

1. Rishabh Mourya S/o Jagdev Mourya Aged About 25 Years Working As Guest Faculty (Geology) At Govt. Model College, Raipur (Atari) District Raipur (Chhattisgarh)
2. Sushmita Dewangan D/o Sanat Kumar Dewangan Aged About 27 Years Working As Guest Faculty (Computer Application) At Govt. Model College, Raipur (Atari), District Raipur (Chhattisgarh)
3. Rita Rani D/o Devnarayan Verma Aged About 34 Years Working As Guest Faculty (Hindi) At Govt. Model College, Raipur (Atari), District Raipur (Chhattisgarh) ----- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Additional Director Directorate Of Higher Education Department, Atal Nagar, Naya Raipur, District Raipur (Chhattisgarh)
3. Principal Govt. Model College, Raipur (Atari), District Raipur (Chhattisgarh) ----- **Respondents**

WPS No. 2493 of 2023

1. Monika Verma D/o Premlal Verma Aged About 26 Years Working As A Guest Faculty (Zoology), At Government Nehru Pg College Dongargarh, District Rajnandgaon Chhattisgarh. R/o Ward No. 13, Village Nawagaon Kala Post Dewaribhat, Tahsil Khairagarh, District Ranandgaon Chhattisgarh.
2. Anjali Dewangan D/o Basant Kumar Dewangan, Aged About 23 Years Working As A Guest Faculty (English), At Government Nehru Pg College Dongargarh District Rajnandgaon, Chhattisgarh. R/o Village Tila, Block Abhanpur District Raipur Chhattisgarh.
3. Neelam Sinha D/o Dhruw Kumar Sinha Aged About 28 Years Working As A Guest Faculty (Hindi), At Government Nehru Pg College Dongargarh District Rajnandgaon, Chhattisgarh. R/o Ward No. 14, Village Mathuradih, Achhota, District Dhamtari Chhattisgarh.
4. Vasudev Sahu S/o Tameshwar Sahu Dhruw Kumar Sinha, Aged About 23 Years Working As A Guest Faculty (Physics), At Government Nehru Pg College Dongargarh District Rajnandgaon, Chhattisgarh. R/o Ward No. 16, Village Jamgaon, Tahsil Patan District Durg Chhattisgarh.

----- **Petitioners****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.



2. Additional Director, Directorate Of Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
3. Commissioner, Higher Education Department, Block C-3, 2nd And 3rd Floor, Indravati Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
4. Principal, Government Nehru Pg College Dongargarh, District Rajnandgaon Chhattisgarh. ----- Respondents

WPS No. 2497 of 2023

Amit Mandal S/o Harendra Mandal Aged About 24 Years Working As Guest Faculty (Chemistry) At Govt. Naveen College, Konta, District : Sukuma, Chhattisgarh

----- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. Additional Director Directorate Of Higher Education Department Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
3. Principal Govt. Naveen College Konta, District : Sukuma, Chhattisgarh

----- Respondents

WPS No. 2506 of 2023

Bharat Baghel S/o Buddhu Baghel Aged About 32 Years Working As Guest Faculty (Zoology) At Naveen Govt. College Vishrampuri, District : Kondagaon, Chhattisgarh

----- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya Naya Raipur, District : Raipur, Chhattisgarh
2. Additional Director Directorate Of Higher Education Department, Atal Nagar Naya Raipur, District : Raipur, Chhattisgarh
3. Principal Naveen Govt. College Vishrampuri, District : Kondagaon, Chhattisgarh

----- Respondents

WPS No. 2507 of 2023

Poonam Manikpuri D/o. Shri Tulsi Das Manikpuri Aged About 32 Years Working As Guest Lecturer (Political Science) At Govt. Sant Rameshwar Gahira Guru Ji College Bagicha, District : Jashpur, Chhattisgarh

----- Petitioner





Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. Additional Director, Directorate Of Higher Education Department, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
3. Principal Govt. Sant Rameshwar Gahira Guru Ji College Bagicha, District Jashpur Chhattisgarh.

---- Respondents

WPS No. 2513 of 2023

Meghraj Soni S/o Santosh Kumar Soni Aged About 26 Years Working As Guest Faculty (Computer Science) At Govt. Dr. B.S.B.A.P.G. College, Dongargaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Additional Director Directorate Of Higher Education Department, Atal Nagar, Naya Raipur, District Raipur (Chhattisgarh)
3. Principal Govt. Dr. B.S.B.A.P.G. College, Dongargaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 2532 of 2023

Soumitr Sahu S/o Nirbheek Chand Sahu Aged About 27 Years Working As Guest Faculty (Computer Science) At Govt. Lahiri P.G. Collage Chirmiri District Manendragarh Chirmiri Bharatpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya Naya Raipur District Raipur Chhattisgarh
2. Additional Director Directorate Of Higher Education Department, Atal Nagar, Naya Raipur District Raipur Chhattisgarh
3. Principal Govt. Lahiri P.G. College, Chirmiri, District Manendragarh Chirmiri Bharatpur Chhattisgarh

---- Respondents

WPS No. 2534 of 2023

Jaykaran Ram S/o Shatruhan Sahu Aged About 33 Years Working As Guest Faculty (Botany) At Rajeev Govt. College Simga, District Baloda



Bazar Bhatapara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya Naya Raipur District Raipur Chhattisgarh
2. Additional Director Directorate Of Higher Education Department, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
3. Principal Rajeev Gandhi Govt. College Simga, District Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

WPS No. 2537 of 2023

Gitendra Kumar Sahu S/o Derhu Ram Sahu, Aged About 30 Years Working As Guest Faculty (Physics) At Govt. Vedram College, Malkharouda, District : Sakti, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya Naya Raipur, District : Raipur, Chhattisgarh
2. Additional Director, Directorate Of Higher Education Department, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
3. Principal, Govt. Vedram College, Malkharouda, District : Sakti, Chhattisgarh

---- Respondents

For respective Petitioners : Shri Govind Prasad Dewangan &
Mr. Jeet Patel, Advocates
For Respondent/State : Shri Saumya Rai, Panel Lawyer and
Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

18/04/2023

1. These batch of the petitions have been filed by the Guest Lecturers who were appointed in the respective colleges for a period of one academic session. The Guest Lecturers so appointed, were getting honorarium of Rs. 300/- per lecture. The petitioners have filed these petitions on the ground that they were selected after due selection process on the post of Guest Lecturer,

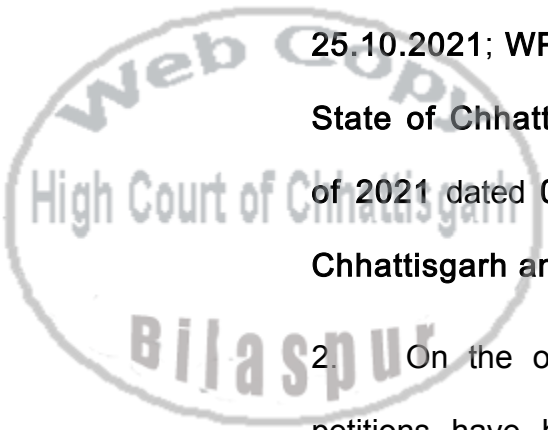


their performance was found satisfactory and there are no complaints against them. Their apprehension is that the concerned colleges may issue a fresh advertisement for appointment of Guest Lecturers in the next academic session and therefore, it is submitted that *ad hoc* employee cannot be replaced by another *ad hoc* employee, and hence, direction may be issued to the concerned colleges and respondents to permit the petitioners to continue on the post of Guest Lecturers for the next academic session. Counsels for the petitioners have placed reliance upon the judgments passed by this Court in WPS No. 4573 of 2020 (Akhilesh Kumar Mishra & Another Vs. State of Chhattisgarh & Others) dated 04.11.2020; W.A. No. 322 of 2021 (State of Chhattisgarh Vs. Akhilesh Kumar Mishra & Another) dated 25.10.2021; WPS No. 6144 of 2021 (Roopa Devi Kurrey & Others Vs. State of Chhattisgarh & Others) dated 12.11.2021 and WPS No. 6144 of 2021 dated 02.08.2022 (Roopa Devi Kurrey & Others Vs. State of Chhattisgarh and Others).

2. On the other hand, counsel for the State would submit that the petitions have been filed on mere apprehension. No advertisement as alleged by the petitioners has been issued by any of the colleges. The petitioners were appointed for a particular academic session and after completion of that academic session, they have no right to continue. The order for continuation would be violative of Article 16 of the Constitution of India, which speaks about the right to equality of opportunity in matters relating to public employment.

3. I have heard counsel for the parties and perused the documents and judgments passed by the Coordinate Benches.

4. Recently, the Hon'ble Apex Court in the matter of ***Manish Gupta And Another Vs. President, Jan Bhagidari Samiti and Others*** reported in ***2022 SC Online SC 485*** has held as under:-





“ A perusal of the advertisement dated 24th June 2016 issued by the principal, Government Kamla Raja Girls Post Graduate Autonomous College, Gwalior, which is an Annexure P-2 of the Appeal Paper Book and the advertisement dated 2nd July 2016 issued by the Principal, SMS Government Model Science College, Gwalior, M.P. which is at Annexure P-3 of the Appeal Paper Book, would show that the appointments were to be made after the candidates had gone through due selection procedure. Though Shri Nataraj, learned ASG has strenuously urged that the appointments of the appellants were as guest lecturers and not as *ad hoc* employees, from the nature of the advertisements, it could clearly be seen that the appellants were appointed on *ad hoc* basis. It is a settled principle of law that an *ad hoc* employee cannot be replaced by another *ad hoc* employee and he can be replaced only by another candidate who is regularly appointed by following a regular procedure prescribed. Reliance in this respect can be placed on the judgment of this Court in the case of *Rattan Lal Vs. State of Haryana (1985) 4 SCC 43* and on the order of this Court in the case of *Hargurpratap Singh Vs. State of Punjab (2007) 13 SCC 292*.

5. From the perusal of the judgment passed by the Hon'ble Apex Court it is quite vivid that advertisement was issued on 24th June 2016 for appointment of Guest Lecturers therefore, the Apex Court held that *ad hoc* employee cannot be replaced by another *ad hoc* employee but in the present case, no advertisement has been issued by any of the colleges and only on apprehension, these petitions have been filed.

6. Learned counsel for petitioners have placed reliance on judgments as stated in para 1, rendered by this Court. In matter of ***Akhilesh Kumar Mishra*** (supra) fresh advertisement was issued for appointment of Guest Teacher, whereas, Writ Appeal preferred by the State i.e. ***WA No. 322 of 2021*** (supra) was dismissed by the Division Bench of this court affirming the judgment passed in ***Akhilesh Kumar Mishra*** (supra).

7. In ***Roopa Devi Kurrey*** (supra) vide order dated 12.11.2021 following order was passed by coordinate bench of this Court:-

“11. Consequently, in exercise of the powers conferred by Rule 33 of the High Court of Chhattisgarh Rules, 2007, it is hereby recommended that all the papers of these proceedings of present matter be placed before Hon'ble the Chief Justice for consideration and for appropriate orders for constitution of a larger Bench for settling the following issues:-



“A. Whether in absence of cause of action, the petition as framed and instituted seeking the relief in the nature of issuance of writ of mandamus under Article 226 of the Constitution of India could be held to be sustainable?

B. Whether under the facts and circumstances of the case, the Petitioners could institute the petition after the completion of her academic session?”

Further, in *Roopa Devi Kurrey* (supra) vide order dated 02.08.2022 it was held by the Hon’ble Division Bench of this Court that:-

“2. It is brought to our notice that following the issues framed in this case, some other cases are also tagged with this petition.

3. Mr. Govind Ram Dewangan, learned counsel for the petitioner submits that this writ petition has been rendered infructuous.

4. In view of the submission of Mr. Dewangan, we do not find it necessary to decide the issues as framed by the learned Single Judge in the petition. However, if the issues survive for consideration in other tagged petitions, the same shall be considered.

5. Accordingly, the writ petition is dismissed as infructuous.”

Thus, no conclusive order on merits of the case could be passed in *Roopa Devi Kurrey* (supra). In *Akhilesh Kumar Mishra* (supra) fresh advertisement was issued for appointment of guest teachers, therefore facts and circumstances of these case are distinguishable from the present case.

8. Further, the colleges may or may not issue fresh advertisements for the next academic session and thus no cause of action has arisen yet in favor of the petitioners herein, therefore at this stage, these petitions are dismissed.

9. However, the petitioners would be at liberty to approach this Court if they are advised, after issuance of the advertisement by the respective colleges.

10. With the aforesaid observation(s)/direction(s), these petitions stand disposed of.

Sd/-

(Rakesh Mohan Pandey)

Judge