



HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3200 of 2023

- Ramesh Kumar S/o. Late Shri Godawali Aged About 32 Years Occupation Guest Teacher (T.G.T. English), Government Eklavya Adarsh Avasiya Vidhyalaya, Wardrafnagar, District Balrampur- Ramanujganj, Chhattisgarh R/o. Village - Parasdiha Post - Bartikalan Block Wadrafnagar District - Balrampur - Ramanujganj Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Tribal Welfare Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Commissioner, Chhattisgarh State Level Tribal Welfare, Awasiya, Evam Ashram Shaikshnik, Sansthan Samiti, Indravati, Bhawan Atal Nagar, Nawa, Raipur, District Raipur Chhattisgarh
3. The Collector/chairman District Level Tribal Welfare, Residential And Educational Institute Committee, Balrampur - Ramanujganj Chhattisgarh
4. Assistant Commissioner, Tribal Welfare And Development Department, District Balrampur - Ramanujganj Chhattisgarh
5. Principal, Government Eklavya Adarsh Avasiya Vidhyalaya, Bhairamgarh District Balrampur - Ramanujganj Chhattisgarh
6. The Collector, Office Of The Collector Balrampur - Ramanujganj District Balrampur - Ramanujganj Chhattisgarh

--- Respondents

For the Petitioner : Mr. Chandradeep Prasad, Advocate.

For the State/Respondent : Mr. Shubham Verma, PL.

SB: Hon'ble Shri Justice Sachin Singh Rajput

Order on board

12/05/2023

1. With the consent of the parties, this writ petition is being heard finally.
2. The petitioners have filed this writ petition seeking following reliefs:-

“1.This Hon'ble court may kindly be pleased to quash the advertisement dated 04.05.2023(Annexure-P/1) and allow the



Petitioner for work as a Guest Teacher and further be pleased to direct respondents to not substitute Guest Teacher from others set of Guest teacher till regular selection is made and incumbent is given joining, in the interest of justice.

2. This Hon'ble court may kindly be pleased to direct the respondent authority to pay the remuneration to the petitioners as per new advertisement i.e. (Annexure-P/1).

3. Any other writ or direction which this Hon'ble court deem fit and proper in the case may also be passed along with the case in the interest of justice.”

3. Grievance raised by petitioner in this writ petition is that he is working as Guest Lecturer for respective subjects in the Government Eklavya Adarsh Awasiya Vidyalaya, Bhairamgarh, District Balrampur – Ramanujganj, Chhattisgarh in the last academic sessions. The State Government issued advertisement dated 04.05.2023 inviting applications from eligible candidates for appointment on the post of Guest Lecturer, which is impermissible in view of order dated 27.2.2017 of this Court in WPS No.4406/2016, parties being Manju Gupta and another Vs. State of C.G. and another. He further submits that case of the petitioners herein is squarely covered by the decision in the case of **Manju Gupta (supra)** as also judgment dated 4.11.2020 passed by this Court in WPS No.4503/2020 (Pankaj Kumar Patel Vs. State of C.G. & Ors.).
4. Learned State counsel however does not dispute the settled legal position holding the field as regard the subject matter involved in the case.
5. Keeping in mind the orders passed in cases of Manju Gupta (supra) and Pankaj Kumar Gupta (supra), this Court is inclined to accept the analogy in the case of the petitioner and accordingly it is ordered that unless any complaint is received against performance of petitioners, the respondents are restrained from going for any fresh recruitment of Guest Teacher for the respective subjects under the respondent No.5 for which petitioners herein were engaged. It is however made clear that the protection to the petitioners would be only to the extent of not being replaced by another set





of Guest Teachers. This would not preclude the State Government from going for filling-up of vacant post by way of regular appointment or engaging contractual teachers under the rules for contractual employment.

6. With these observation this writ petition is disposed of.
7. Consequently, all pending I.A.s also stand disposed of.

Sd/-

(Sachin Singh Rajput)

JUDGE

Pawan

