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Single Bench

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (CHHATTISGARH)

WRIT PETITION (S) NO. (3801 OF 2012 (S.B.)

PETITIONER : Sukhram Nag S/o. Mahadeo Nag
aged about 28 years, R/o Village
Michwar Post and Tahsil
Chhindgarh District Sukama
(C.G.).

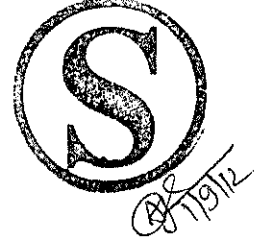
S.B. No. 3801/12
Presented by Shri. P.K. Tulsya
28/8/12

VERSUS

- RESPONDENTS :
1. The State of Chhattisgarh,
Through: The Secretary,
Department of School Education,
D.K.S. Bhawan, Raipur (C.G.).
 2. The Director,
Rajeev Gandhi Shiksha Mission
Raipur, District Raipur (C.G.)
 3. The Collector / District Mission
Director, Rajeev Gandhi Shiksha
Mission, Block Development
Chhindgarh District South
Bastar Dantewada (C.G.)
 4. The District Project Coordinator
S.S.A. Dantewada, District South
Bastar Dantewada (C.G.)
 5. The Block project Coordinator
Chhindgarh District Sukama
(C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA



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HIGH COURT OF CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO. 3801 OF 2012

PETITIONER

Sukhram Nag

Versus

RESPONDENTS

The State of Chhattisgarh & Others

(Writ Petition under Article 226 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri P. K. Tulsyan, Advocate for the petitioner.

Shri P.K.Bhaduri, Panel Lawyer for the State.

ORDER

(Passed on 31st day of August, 2012)

1. Notice to the respondents is dispensed with, as Shri Bhaduri, learned Panel Lawyer, appears on behalf of the State/respondents, and consents for hearing.
2. By this petition, the petitioner seeks a direction to the respondent authorities to either regularize the service of petitioner on the post of Instructor or direct them to grant preference in further appointment as Instructor as well as on the post of Shiksha Karmi Grade III.
3. On perusal of the documents and after hearing learned counsel appearing for the petitioner, it is not specific that there is any circular which provides for grant of preference for appointment on the post of Instructor or on the post of Shiksha Karmi Grade III in NRBC/RBC centers.
4. Learned counsel appearing for the petitioner submits that the Mission Director, Rajiv Gandhi Shiksha Mission, Raipur vide communication dated 13.10.2005 (Annexure P/3) has instructed to all the District Mission Coordinators to take steps to regularize service of the Instructors, though, no steps have been taken to regularize them till date.
5. It is well settled that merely on the basis of a communication, by itself, the petitioner does not acquire any right of regularization. However, if a decision has been taken, the State Government may consider the case of the petitioner for regularization, in accordance with law and on the principles of law laid down by the Supreme Court in *Secretary, State of Karnataka and Others v. Umadevi (3) and Others*¹.
6. In view of the above, the writ petition stands disposed of.

Ashok/Atul

Sd/-
Satish K. Agnihotri
Judge

¹ (2006) 4 SCC 1