

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.1984 of 2016

1. Tikaram Lahre, S/o Shri Siddharam, aged about 35 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School Semartal, Block Bilha, R/o Village & Post Salheghori, Tahsil Lormi, District Mungeli (C.G.)
2. Ram Kisun Tiger, S/o Shri Amarnath, aged about 35 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School Bhadi, Block Bilha, R/o Village Matiyari, Post Janji, District Bilaspur (C.G.)
3. Smt. Neelima Sharma, W/o Shri Pramod Sharma, aged about 36 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School, earlier Ranigaon, Block Kota, now Bemanavai, Block Bilha, R/o Behind Jabbal & Sons, Nehru Nagar, Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
3. Director, Panchayat and Social Welfare Directorate, Indrawati Bhawan, New Raipur, Raipur (C.G.)
4. Collector, Bilaspur, District Bilaspur (C.G.)
5. Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur (C.G.)
6. Chief Executive Officer, Janpad Panchayat, Bilha, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.1983 of 2016

1. Kaushal Kumar Kurre, S/o Shri Sawan Kumar Kurre, aged about 32 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School Khongsara, Block Kota, R/o Village Munki, Post Salheghori, Tahsil Lormi, District Mungeli (C.G.)
2. Smt. Poonam Naz Khakha, W/o Shri Rojmin Rajesh Khakha, aged about 34 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School (Boys), Belgahna, Block Kota, R/o MIG-40,

Nehru Nagar, Bilaspur, District Bilaspur (C.G.)

3. Ku. Divya Bhagat, D/o Shri Shobhnath Ram Bhagat, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School, Salka Nawagaon, Block Kota, R/o Village Bangaon, Post Farsabahr, District Jashpur (C.G.)
4. Smt. Shraddha Sharma, W/o Shri Rajesh Sharma, aged about 33 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School, Chapora, Block Kota, R/o Prashant Pharmacy, Near Sharda Coffee House, Mangla Chowk, Mungeli Road, Bilaspur (C.G.)
5. Smt. Pratibha Pandey, W/o Shri Vikash Kumar Pandey, aged about 34 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School, Kargi Kala, Block Kota, R/o Kanchan Vihar, Sipat Road, Sarkanda, Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
3. Director, Panchayat and Social Welfare Directorate, Indrawati Bhawan, New Raipur, Raipur (C.G.)
4. Collector, Bilaspur, District Bilaspur (C.G.)
5. Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur (C.G.)
6. Chief Executive Officer, Janpad Panchayat, Kota, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.1982 of 2016

Smt. Seema Sharma, W/o Shri Manoj Kumar Sharma, aged about 34 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School Takhatpur, Bilaspur, R/o Qrt. No.472, Deendayal Housing Board Colony, Mangala, Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)

2. Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
3. Director, Panchayat and Social Welfare Directorate, Indrawati Bhawan, New Raipur, Raipur (C.G.)
4. Collector, Bilaspur, District Bilaspur (C.G.)
5. Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur (C.G.)
6. Chief Executive Officer, Janpad Panchayat, Takhatpur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.1981 of 2016

1. Prakash Kumar Patel, S/o Shri Takram Patel, aged about 33 years, Shiksha Karmi Grade-III, (Librarian), Govt. High School Anda, Block Patharia, R/o Village Parsapali, Post Parsakol, Tahsil Sarangarh, District Raigarh (C.G.)
2. Harshad Mehta, S/o Shri Sukhram Mehta, aged about 35 years, Shiksha Karmi Grade-III (Librarian), Govt. High School Madku, Block Patharia, R/o Village & Post Janji, District Bilaspur (C.G.)
3. Dehuti Bairagi, W/o Janki Das Bairagi, aged about 35 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School Amora, Block Patharia, R/o Anand Nagar, Padariya Road, Takhatpur, District Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
3. Director, Panchayat and Social Welfare Directorate, Indrawati Bhawan, New Raipur, Raipur (C.G.)
4. Collector, Bilaspur, District Bilaspur (C.G.)
5. Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur (C.G.)
6. Chief Executive Officer, Janpad Panchayat, Patharia, District Bilaspur (C.G.)

---- Respondents

AND

Writ Petition (S) No.1985 of 2016

Purushottam Das Ghritlahre, S/o Shri Siddharam Ghritlahre, aged about 34 years, Shiksha Karmi Grade-III (Librarian), Govt. Higher Secondary School Chakarbhatha, Block Mungeli, R/o Village Manki, Post Salheghori, Tahsil Lormi, District Mungeli (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
3. Director, Panchayat and Social Welfare Directorate, Indrawati Bhawan, New Raipur, Raipur (C.G.)
4. Collector, Mungeli, District Mungeli (C.G.)
5. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli (C.G.)
6. Chief Executive Officer, Janpad Panchayat, Mungeli, District Mungeli (C.G.)

---- Respondents

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For Petitioners:	Mrs. Naushina Ali, Advocate.
For State:	Mr. Avinash Singh, Panel Lawyer.
For Respondent No.5 in W.P.(S)Nos.1981/2016 and 1982/2016: -	Mr. Surendra Kumar Dewangan, Advocate.
For Respondents No.5 and 6 in W.P.(S)Nos.1982/2016 and 1984/2016: -	Mr. S.B. Pandey, Advocate.

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/11/2016

1. In this batch of writ petitions, case of the petitioners is that they were appointed on the post of Shiksha Karmi Grade-III (Librarian) in the pay scale of Rs.3800-100-5800/- on probation period of two years by orders dated 11-7-2011, 12-7-2011, 15-7-2011, 5-8-2011

and 11-8-2011 by respondent No.6 under the provisions of the Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2007. It is further case of the petitioners that they have successfully completed the period of probation and have been confirmed on the post of Shiksha Karmi Grade-III (Librarian) and thereafter, a notification was issued by respondent No.1 for amendment of the Rules of 2007 and thereafter, the Rules were amended by notification dated 19-11-2012. By the said notification, Schedule-II Serial No.5 was incorporated wherein the post of Shiksha Karmi Grade-III (Librarian) was now known as Teacher Panchayat (Librarian) and appointing authority would be now, Chief Executive Officer, Zila Panchayat. It is further case of the petitioners that applying the provisions of the amended new Rules of 2012, various Teacher Panchayat (Librarian) were appointed in different districts in the pay scale of Rs.4500-125-7000/-. The petitioners also represented before the respondent authorities for up-gradation and re-designation of post and pay of Shiksha Karmi Grade-III (Librarian) to the post of Teacher Panchayat (Librarian) as per the amended Rules of 2012 in view of the fact that educational qualification required for the post of Teacher Panchayat (Librarian) and Shiksha Karmi Grade-III (Librarian) is Degree in Library Science from recognized University or Graduate and one year Diploma in Library Science from any recognized institute. The petitioners possess that qualification and therefore, they prayed for up-gradation / re-designation of their post and pay, but respondent No.1 did not pay any heed to the representation made by the petitioners which is still

pending consideration. The petitioners are still working on the post of Shiksha Karmi Grade-III (Librarian) and are performing the duty of Teacher Panchayat (Librarian) as both are similar duty posts but the petitioners are being paid salary in the pay scale of Rs.3800-100-5800/- which is not permissible. As per the decision of the Supreme Court in the matter of **B. Thirumal v. Anand Sivakumar and others**<sup>1</sup>, the petitioners are entitled for up-gradation / re-designation on the post and pay of Teacher Panchayat (Librarian).

2. Whereas, it is the case of the State/respondents that the petitioners are not entitled for the benefit of up-gradation / re-designation on the post of Teacher Panchayat (Librarian) in light of the new rule amended with effect from 18-1-2016.
3. In reply, learned counsel for the petitioners would submit that the amendment made is not applicable to the petitioner as the amendment has no retrospective effect it has only prospective effect. Therefore, the petitioners' case may be considered in accordance with law as per the Rules of 2007 as amended in November, 2012.
4. Be that as it may, since the petitioners' substantive representations claiming up-gradation and re-designation on the post of Teacher Panchayat (Librarian) are pending consideration, it would be expedient to direct the State Government respondent No.1 to consider the case of the petitioners for up-gradation / re-designation on the post and pay of Teacher Panchayat (Librarian) as per the existing rules, in accordance with law, as early as

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<sup>1</sup> (2014) 16 SCC 593

possible preferably within a period of three months from the date of receipt of a copy of this order. It is ordered accordingly. The petitioners are at liberty to file fresh representation and if the grievance of the petitioners still subsists after the decision of the State Government, the petitioners shall take recourse available to them under the law.

5. It is made clear that this Court has not expressed any opinion on the merits of the case and it is for the State / respondents to decide the case of the petitioners in accordance with law without being influenced by any of the observations made herein-above.
6. The writ petitions stand disposed of with the aforesaid observation and direction. No order as to cost(s).

Sd/-  
(Sanjay K. Agrawal)  
Judge