

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 3402 of 2023**

1. Smt. Jyoti Mishra W/o Shri Gajanan Prasad Mishra Aged About 47 Years Working As Training Officer (Contractual Basis), At Govt. I T I Raigarh, District : Raigarh, Chhattisgarh
2. Lal Singh Gavel S/o Shri Ram Pal Singh Gavel Aged About 46 Years Working As Training Officer (Contractual Basis), At Govt. I T I Dabhra, District : Sakti, Chhattisgarh
3. Abhimanyu Kumar Gadtia S/o Shri Gajanan Gadtia Aged About 47 Years Working As Training Officer (Contractual Basis), At Govt. I T I Raigarh, District : Raigarh, Chhattisgarh
4. Dhananjay Tandel S/o Shri Jagnathiya Tandel Aged About 46 Years Working As Training Officer (Contractual Basis), At Govt. I T I Bhatgaon, District : Sarangarh-Bilaigarh, Chhattisgarh
5. Santosh Kumar Sahu S/o Shri Jhanglu Ram Aged About 49 Years Working As Training Officer (Contractual Basis), At Govt. I T I Sakti, District : Sakti, Chhattisgarh
6. Santram Gaikwad S/o Shri Chainu Ram Gaikwad Aged About 52 Years Working As Training Officer (Contractual Basis), At Govt. I T I Raigarh, District : Raigarh, Chhattisgarh
7. Ramniwas Kurrey S/o Shri Ram Dayal Kurrey Aged About 52 Years Working As Training Officer (Contractual Basis), At Govt. I T I Bhatgaon, District : Sarangarh-Bilaigarh, Chhattisgarh
8. Sakshi Gopal Surahi S/o Shri Nanhu Ram Surahi Aged About 46 Years Working As Training Officer (Contractual Basis), At Govt. I T I Sariya, District : Sarangarh-Bilaigarh, Chhattisgarh
9. Shiv Shankar Mahant S/o Shri Chowk Das Mahant Aged About 52 Years Working As Training Officer (Contractual Basis), At Govt. I T I Raigarh, District : Raigarh, Chhattisgarh

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through - The Secretary, Skill Development, Technical Education And Employment Department, Mantralaya, Atal Nagar, Mahanadi Bhawan, New Raipur, District : Raipur, Chhattisgarh
2. The Director Directorate Of Employment And Training Raipur Naya Raipur, Chhattisgarh.
3. Chhattisgarh Professional Examination Board Through Its Secretary, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
4. Controller Of Chhattisgarh Professional Examination Board Atal Nagar, New Raipur, District - Raipur, Chhattisgarh.

**---- Respondents**

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For Petitioner	:	Mr. Jeet Ram Patel and Mr. R.K. Verma, Advocates
For State	:	Mr. Sandeep Dubey, Dy. A.G.
For Respondent/Vyapam	:	Dr. Saurabh Pande, Advocate

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**Hon'ble Shri Justice Rakesh Mohan Pandey**  
**Order on Board**

**29.05.2023**

Heard.

1. Learned counsel for the petitioners would submit that the petitioners are working as Guest Lecture and worked for considerable period, but in the present appointment proceedings, no bonus marks for their services, has been granted to them whereas in the selection process which is being carried out in the school education department, the persons who have been worked as Guest Lecture have been granted maximum 10 bonus marks, therefore, parity should be maintained by the State and relief should be granted to the petitioners. In support of his submission, learned senior counsel for the petitioner would refer to the judgment rendered by Hon'ble the Supreme Court in **Civil Appeal No. 1007 of 2021 in case of University of Delhi Vs. Delhi University Contract Employees Union & others (decided on 25.03.2021)** wherein bonus marks to the contract employees have ordered to be given. Hon'ble the Supreme Court at paragraph 13 has held as under:-

“13. We, therefore, direct that all the concerned contract employees engaged by the University be afforded benefits as detailed in paragraphs 6 and 7 of the affidavit dated 09.03.2021 with following modifications:

(a) The benefit of age relaxation as contemplated in paragraph 6 of the affidavit without any qualification must be extended to all the contract employees.

(b) In modification of paragraph 7 of the affidavit, those employees who were engaged in the year 2011 be given the benefit of 10 marks in the ensuing selection process while for every additional year that a contract employee had put in, benefit of one more mark subject to the ceiling of 8 additional marks be given. In other words, if a contract employee was engaged for the first time in the year 2010, he shall be entitled to the benefit of 11 marks, while one engaged since 2003 shall be given 18 marks, as against the appointee of 2011 who will have the advantage of only 10 marks. The contract appointees of 2012 and 2013 will have the advantage of 9 and 8 marks respectively.

(c) The Public Notice inviting applications from the candidates shall specifically state that the advantage in terms of the order passed by this Court would be conferred upon the contract employees so that other candidates are put to adequate notice.

(d) All the contract employees shall be entitled to offer their candidature for the ensuing selection in next four weeks and in order to give them sufficient time to prepare, the test shall be undertaken only after three months of the receipt of applications from the candidates.”

2. On the other hand, learned State counsel would oppose the submission made by learned senior counsel for the petitioners and would submit that grant of bonus marks is within domain of State and no writ to this effect can be issued.

3. In view of the stated legal position, grant of bonus marks for services rendered by the petitioners lies within domain of the employer i.e. State as per the policy, where this Court interference is very limited.

4. Considering the submission as also the well settled position of law that grant of bonus marks or any relaxation, is policy decision of the State where interference of the courts are very limited, it is directed that in the eventuality of submission of representation by the petitioners before respondent authorities for considering their case regarding grant of bonus marks with respect to the services of Guest Lecture, within three weeks from the date of receipt of copy of this order, the same shall be considered and decided by the respondent authorities within further period of one month from the date of receipt of copy of representation.

5. With the aforesaid observations and direction, the instant petition stands disposed of.

6. In view of the above, I.A. No.1, application for urgent hearing and I.A. No.2, application for listing the case during summer vacation stand disposed of.

Sd/-  
**(Rakesh Mohan Pandey)**  
**Vacation Judge**