



2025:CGHC:10540

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 6304 of 2016

Vikas Mishra S/o Shri K.N. Mishra Aged About 33 Years R/o Near Mukti Dham Chowk, New Sarkanta, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

- 1. State Of Chhattisgarh Through- Secretary, Government Of Chhattisgarh Technical Education, Man Power And Planning Department Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, Chhattisgarh
- 2. The Director, Directorate Of Technical Education Raipur, Chhattisgarh
- 3. The Public Service Commission, Through- The Secretary, Psc Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

--- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate.
For Respondent/State	:	Shri Abhishek Singh, P.L. .
For Respondent No.3	:	Dr. Sudeep Agrawal, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

28/03/2025

- 1. This writ petition has been filed by the petitioner seeking for the following relief :
  - (10.1) That this Hon'ble Court may kindly be pleased to call for the entire records of the petitioner, in the interest of justice.
  - (10.2) This Hon'ble Court may kindly be pleased to issue any appropriate writ and direct the respondent to absorb/regularize the service in the regular post with all consequential benefits.

(10.3) This Hon'ble Court may grant any other relief/reliefs which this Hon'ble Court may think fit and proper in the facts and circumstances of the case.

2. Facts of the case which reflect from the writ petition is that the petitioner is working at Government Polytechnic, Korba (C.G.) as Contract Lecturer in Physics subject on contract basis as appointed by Directorate Technical Education, Raipur (C.G.), under Civil Service (Sanvada Recruitment) Rules, 2004 amended from time to time. The petitioner was performing his duty with sincerity and devotion. The petitioner continues to work on the contract basis however he was not absorbed by the respondent / State, thereafter his service discontinued. Therefore, the writ petition was filed.
3. Various writ petitions with identical issues have been filed before this Court with one of this being in WPS No. 2462 /2014. Initially the learned Single Bench dismissed the writ petitions with the connected matter vide its judgment dated 02/01/2017. Thereafter, Writ Appeal was filed which was registered as W.A. No. 14/2017 and the Hon'ble Division Bench of this Court vide its order dated 07/12/2018 allowed the writ appeals and the order passed by the learned Single Bench was set aside.
4. Against which the SLP preferred by the State Government in Civil Appeal No(s). 8097-8122/2024 was dismissed affirming the order of the Division Bench.
5. Learned Counsel for the petitioner submits that the issue involved in this writ petition is no longer res-integra in light of the judgment of the Hon'ble Division Bench of this Court passed in W.A. No. 14/2017 which has been affirmed by the Hon'ble Supreme Court. Therefore he submits that the writ petition may be disposed of in light of the observation made by the Hon'ble Division Bench in W.A. No. 14/2017. The proposition as put-forth by learned counsel for the petitioner is not disputed by learned counsel for the respondents.
6. They submit that the case of the petitioner would be looked into on factual background and if the case of the petitioner has been found identical to the case of the appellants in Writ Appeal No. 14/2017, the same relief would be granted.

7. Heard learned counsel for the parties and perused the documents appended.
8. It is necessary to quote the observation made by the Division Bench of this Court in case of W.A. No.14/2017 in paragraph-24 as under:-

“24.Except for those whose services stand dispensed with after the initial hiring for reasons otherwise and those who were hired on part-time basis as well as those who have been appointed after 2012 Rules, all other appointees who have been engaged against vacant sanctioned posts under the 2002 and 2004 Rules and have continued even after coming of 2012 Rules, the basic ethos and essence of such hiring cannot be allowed to be sacrificed on the altar of so-called contractual engagement. The Respondents are directed to regularise their services on the posts being held by them. Their services cannot be dispensed with by the State at this belated hour. Steps for their regularisation must be initiated and completed within three months from the date of the production of a copy of this order.”

9. From the record appended with the writ petition it appears against the order of Division Bench SLP was also preferred before the Hon'ble Supreme Court which was dismissed and the review petition against the order of the SLP was also dismissed by the Hon'ble Supreme Court. Since the factual scenario has not been disputed by the learned counsel for the respective parties, this Court deem it necessary to disposed of this writ petition in terms of the order passed by this Court in W.A. No. 14/2017. The observation made by the Division Bench of this Court in W.A. No. 14/2017 would to apply fact of this case.
10. With above observation, this writ petition is disposed of.
11. All pending applications are disposed of.

Sd/- /  
**(Sachin Singh Rajput)**  
**Judge**