

**Shrawan Singh Vs. the State of Madhya Pradesh**

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**Court :** Madhya Pradesh

**Decided On :** Sep-25-2013

**Appellant :** Shrawan Singh

**Respondent :** The State of Madhya Pradesh

**Advocate for Pet/Ap. :** Shri. Rajneesh Pandey

**Judgement :**

1 W.P.No.15586/2013 25.09.2013 Shri Rajneesh Pandey, learned counsel for the petitioners. Shri Rahul Jain, learned Deputy Government Advocate on advance notice.

Petitioners. Gurujis appointed under the Education Guarantee Scheme respectively on 30.06.1997, 12.04.1999, 14.10.1999, 08.05.1999, 20.08.1997, 10.02.1999 & 13.03.1997 has filed this writ petition seeking direction to the respondents to consider them for grant of status as Siksha Karmi and absorption in the Assistant Teacher Cadre as per recommendation of D.P. Dubey Committee.

Petitioner also places reliance on a decision by Division Bench of this Court at Gwalior in Gopal Chawla and others v.

State of M.P. and others. W.A.No.596/2012, decided on 15.12.10 and the orders passed by Janpad Panchayat, Ashoknagar in pursuance thereof: In Gopal Chawla (Supra) it is observed by the Division Bench that: The only contention which has been put forth 2 by learned counsel for the appellants is that the present

appellants who were the writ petitioners are serving on the post of Guruji and only honorarium is being paid to them although the task of Assistant Teacher/Shiksha Karmi Samvida Shala Shikshak, Class-III is being taken from them.

Learned counsel submits that at least the minimum pay scale of the post of work which is being taken from the appellants be provided by the State Government and in this regard, learned counsel placed reliance on the decision of the Supreme Court in the case of Uttar Pradesh Land Development Corporation and another Vs Mohd.

Khursheed Anwar and another, (2010) SCC (L&S) 513.

Unfortunate part is that this Court cannot legislate the law within the purview of Article 226 of the Constitution of India.

However, as it is being submitted by learned counsel for the appellants that the work of the post of Assistant Teacher/Shiksha Karmi Samvida Shala Shikshak, Class-III is being taken from the appellants the State Government is hereby directed to look into the matter and if necessary ,frame necessary rules and while doing so consider the dictum of the Supreme Court referred in the case of Uttar Pradesh Land Development Corporation and another (supra) in which it has been mentioned that the minimum of the pay scale of the post of the work which is being taken from the employees has to be paid.

The respondents are further 3 directed to scrutinize the case of the individual appellant in order to ascertain, which type of work they are discharging and pass appropriate order in that regard as early as possible preferably within a period of six months from today. Therefore, without advertng into the merit of the matter, the petition is disposed of with a direction to respondent No.1 to consider the claim of respective petitioners in the light of the observation in Gopal Chawla (supra) and pass a reasoned and cogent order within a period of three months from the date of communication of this order.

It is reiterated that this Court has not expressed any opinion regarding the entitlement of the petitioners for grant of the status as Shiksha Karmi or absorption

in the Assistant Teacher Cadre, which has to be looked into by the respondent No.1.

The petition is finally disposed of in above terms.(SANJAY YADAV) JUDGE anand

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