



2026:CGHC:17854

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 576 of 2022

1 - Lakhan Kumar Patel S/o Shri Chetram Patel Aged About 37 Years Working As Lecturer (E- Cadre), Government Higher Secondary School, Dongripali , Block Baramkela, District Raigarh Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, School Education Department , Mahanadi Bhawan , Nawa Raipur , Atal Nagar , Police Station Rakhi, District Raipur Chhattisgarh.

2 - The Director Directorate Of Public Instructions, Raipur , Nawa Raipur , Atal Nagar, Police Station Rakhi, District Raipur Chhattisgarh.

3 - The District Education Officer District Raigarh Chhattisgarh.

4 - The Chief Executive Officer Zila Panchayat, Raigarh District Raigarh Chhattisgarh.

... Respondent(s)

For Petitioner/s	:	Shri Ajeet Kumar Yadav, Advocate.
For Respondent/ State	:	Shri Amandeep Singh, P.L.
For Respondent No.4	:	Shri T.L. Bareth, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

20.04.2026

1. The petitioner has filed this petition seeking the following reliefs:-

“10.1 That this Hon'ble Court may kindly be pleased to direct the respondent authorities to count the service period of the petitioner from the date of initial appointment to the post of Lecturer i.e. from 07.01.2019 for extending the monetary benefits.

10.2 That any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the cost of the petition may be given.”

2. The facts, in brief, are that the petitioner was appointed as a Lecturer under the Panchayat and Rural Development Department on 31.12.2018 and was posted at the Higher Secondary School, Pakhnakot, District Raigarh. After obtaining permission from the Panchayat and Rural Development Department, the petitioner participated in the recruitment process for the post of Lecturer (E-Cadre) and was subsequently, appointed vide order dated 22.2.2021. The petitioner tendered a technical resignation from his post in the Panchayat and Rural Development Department to join services with the School Education Department. Clause 2.1(1) of circular dated 3.8.2018 stipulates that when a government servant applies for a post under the State Government and seeks permission, he/ she must tender a technical resignation; however, his available leave shall not lapse on account of such resignation. The petitioner has filed this petition seeking a direction to the respondents to count his prior service.
3. Learned counsel for the petitioner would submit that according to clause 2.1 of circular dated 3.8.2018, the respondents are under

obligation to extend the benefits of earlier service. He would submit that a direction may be issued to the respondent authorities to count the period of service rendered by the petitioner in the Panchayat Department while reckoning length of service in the School Education Department. He would pray to allow this petition.

4. On the other hand, learned counsel appearing for the State would submit that the petitioner was an employee of the Panchayat and Rural Development Department and he was not a government employee. Therefore, he is not entitled to get benefits of the circular dated 3.8.2018 as the said circular exclusively applies to the departments of the State Government. He has placed reliance on the judgment passed by the Hon'ble Division Bench in W.A. No.193 of 2026 wherein almost a similar issue was involved. He would contend that there is a clear distinction between the State Government employees and the Panchayat Cadre employees and thus, the petitioner is not eligible to get relief under the circular.
5. Learned counsel appearing for respondent No.4 would support the contention made by counsel for the State.
6. I have heard learned counsel for the parties and perused the documents present on record.
7. Admittedly, the petitioner was an employee of the Panchayat Department. He took permission to participate in the recruitment process and was subsequently, appointed as a Lecturer in the School Education Department. He tendered a technical resignation, which was accepted. The foundation of the present petition is a circular issued by the State Government applicable to the departments of the

State Government wherein it is held that if a government servant applies for a post under the State Government with prior permission, he should tender a technical resignation, but such resignation would not result in the lapse of accrued leave.

8. In the present case, the petitioner has sought a direction to count his previous service rendered with the Panchayat Department for the purpose of reckoning seniority. However, in the circular dated 3.8.2018 there is no whisper to count earlier service after tendering resignation. It is also not in dispute that the petitioner was an employee of Panchayat Department and at present, he is a government servant posted as Lecturer in the School Education Department. The Hon'ble Division Bench in W.A. No.193 of 2026 categorically held that the circular issued by the State Government from time to time applies solely to Government servants of the State, and not to employees appointed under the Panchayat department. The circular dated 3.8.2018 would be applicable to the government servants and the petitioner who was an employee of Panchayat would not get any benefit from the said circular. Paragraph 24 is reproduced herein below:

“24. Thus, in view of the clear distinction between State Government employees and Panchayat cadre employees, the petitioners cannot derive any benefit from the Circular dated 10.03.2017 or the earlier circulars dated 17.03.1999/19.04.1999, as those circulars apply solely to Government servants of the State, and not to employees appointed under the Panchayat Department.”

9. Taking into consideration the facts of the present case and the proposition of law laid down by the Hon'ble Division Bench in W.A.

No.193 of 2026, no case is made out for interference in the matter.

Accordingly, this petition fails and is hereby dismissed.

Sd/-

(Rakesh Mohan Pandey)

Judge

Nimmi