

Single Bench

**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR**

WRIT PETITION (S) No. 6617/2014

PETITIONER

Yogeshwar Prasad Patanwar
S/o Shri Hargovind
Patanwar aged about 44
years, Upper Division
Teacher at Govt. Boys Middle
School Mopka, presently
working at Govt. Middle
School, Birkona Block Bilha
District Bilaspur (C.G.)

R No. 6617/14
Presented by Shri. Ashwanishu/cla
Dated 16/12/14

VERSUS

RESPONDENTS:

1. State of Chhattisgarh
Through Secretary, School
Education Department
Mahanadi Bhawan, Raipur,
(C.G.)
2. Chief Executive Officer,
District Panchayat Bilaspur
District-Bilaspur (C.G.)
3. District Education officer
District-Bilaspur (C.G.)



**WRIT UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA**

1. PARTICULARS OF THE PETITIONER: (S)

As per cause title.

2. PARTICULARS OF THE RESPONDENTS:

As per cause title.

Ashu

मामला क्रमांक... W.P. (S) No-6612/2014

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>S.B.: HON'BLE SHRI JUSTICE PRITINKER DIWAKER</u> <u>19.12.2014</u> Shri Ashwini Shukla, counsel for the petitioner. Shri Majid Ali, P.L. for the State. The petitioner who is working as Upper Division Teacher is aggrieved by his transfer order dated 23.07.14 transferring the petitioner from Govt. Boys Middle School Mopka to Govt. Middle School Birkona. Counsel for the petitioner submits that the petitioner has been asked to teach mathematics subject whereas as per the recruitment rules a panchayat teacher who is an arts graduate cannot be asked to teach mathematics subject. He submits that purpose of filling this petition would be served if he may be permitted to withdraw this petition with liberty to file representation before the Collector and direction may be issued to the Collector to decide the same as expeditiously as possible. He fairly submits that as the petitioner has already been relieved pursuant to impugned order dated 23.7.2014, he may not be entitled for any interim relief but direction can be issued for deciding his representation expeditiously. State counsel submits that the panchayat teacher is only required to teach the students from Vth to VIIIth and they teach all the subjects irrespective of their subject qualification in the graduation. It has been further argued that if the Rules does not permit the said transfer, the competent authority will take appropriate steps to	

मामला क्रमांक..... 6617 सन् 2014

आदेश पत्रक (पूर्वानुबद्ध)

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	consider the representation of the petitioner. He submits that he has no objection if the petitioner makes any such representation to the Collector and the same is decided in accordance with law. The petitioner is permitted to withdraw this petition with the aforesaid liberty. In the eventuality of filing any representation by the petitioner before the Collector within a period of one week, the Collector shall decide the said representation within a period of three weeks from the date of receipt of the said representation. While making the representation the petitioner may also submit the xerox copy of the Recruitment Rules relied upon by him in the present petition. While deciding the representation it is expected from the Collector to go through the Rules and to ensure that the career of the students may not be affected adversely by compelling the students to get education from those teachers who are not aware of the subject. No observation on the merits of the case has been made by this Court and the competent authority shall be at liberty to act in accordance with law.	Sd/- Pritinker Diwaker Judge