

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 941 of 2011

- Ashish Bhattacharya, S/o S.R. Bhattacharya, aged about 47 years, Occupation – Principal Government Girls Hr. Sec. School Bishrampur, Education District Surajpur, Distt. Surguja (C.G.)

---- Petitioner

Versus

- State Of Chhattisgarh, Through Secretary Tribal Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
- The Secretary School Education Department Mantralaya DKS Bhawan Raipur, C.G.

---- Respondents

For Petitioner

Shri Shakti Raj Sinha ,Advocate

For Respondent/State

Shri Arvind Dubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

28/07/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has assailed the legality and validity of the impugned order dated 12.01.2011 whereby, he has been sent on deputation to Rajeev Gandhi Shiksha Mission, District Korea as District Project Co-ordinator.
3. Placing reliance on the order passed by this Court in WPS No.3997/2007 (**Radhelal Nag v. State of Chhattisgarh and others**),

decided on 27.03.2008, learned counsel for the petitioner would submit that before passing the impugned order of deputation, petitioner's consent was not obtained, therefore, the order is illegal. He would also rely upon the judgment of the Supreme Court in the matter of **State of Punjab and others vs. Inder Singh and others**¹.

4. It is to be seen that the matter is pending for last more than 4 years, however, return has not been filed and interim order is operative in favour of the petitioner.
5. The impugned order itself states that before joining at the place of deputation, consent of both the officers of the department shall be obtained.
6. In view of the aforesaid, the impugned order is quashed, however, the respondents would be at liberty to pass fresh order, in accordance with law, depending upon the administrative exigency.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

¹ (1997) 8 SCC 372