

Division Bench



**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (C.G.)**

Writ Appeal No. 327 of 2014

APPELLANT/
Petitioner

: Smt. Dhankunwar Ratre wife
of Shri Khelendra Kumar Ratre,
aged about 40 years, resident of
Village-Kurda, Police Station-
Baloda, District-Janjgir-Champa
(C.G.)

P.S.No.

Presented by Shri

dated

327/14

Smt. Ratre

20/10/14

VERSUS

RESPONDENTS

1. State of Chhattisgarh : Through
Secretary, School Education
Department, Mahanadi Bhawan,
Mantralaya New Raipur (C.G.)
2. Secretary, Rural & Panchayat
Development Department,
Mahanadi Bhawan, Raipur (C.G.)
3. Chief Executive Officer, Jila
Panchayat Janjgir, District-
Janjgir-Champa (C.G.)
4. District Education Officer,
District-Janjgir Champa (C.G.)



**WRIT APPEAL UNDER SECTION 2 SUB-SECTION (1) OF
THE CHHATTISGARH HIGH COURTS (APPEAL TO
DIVISION BENCH) ACT, 2006**

(55)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH**

CORAM: HON'BLE THE ACTING CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.

Writ Appeal No. 387 of 2014

APPELLANT : Smt. Dhankunwar Ratre

VERSUS

RESPONDENTS : State of Chhattisgarh and others

Appearance: Shri Prateek Sharma, counsel for the Appellant.
Shri R. K. Gupta, Dy. A.G. for the
State/respondents.

JUDGMENT
(19.02.2015)

Per Navin Sinha, Acting Chief Justice:

1. The present appeal arises from order dated 07.08.2014 passed in Writ Petition (S) No.3946 of 2014. The learned Single Judge opined that transfer and posting made under the Rationalization Policy was primarily an incidence of service warranting no interference in the writ jurisdiction. Liberty however was granted to the appellant to file a representation with directions to consider the same in accordance with law.
2. Learned counsel for the Appellant submits that she has been transferred from the Government Girls Middle School, Kurda in Baloda Block as an English teacher declaring her surplus but simultaneously two persons, Smt. Shipra Shrivastava and Nisha Nirnejak have been posted as teachers in English in the same school. He submits that the conduct of the respondents under the Rationalization Policy is a contradiction in terms because if the Appellant was surplus and moved on that ground there was no occasion for the Respondents to bring two more teachers in

the same subject at the same school. It is further submitted that the counter affidavit states that there is only one post of English teacher in the School in question. The counter affidavit does not disclose which one of them or both were senior to the appellant in the subject of English as required under the rationalization policy.

3. We do not consider it necessary to consider further submissions in view of the nature of the order that we propose to pass as all other questions under the Rationalization Policy can well be raised by the appellant before the authorities themselves.

4. Learned counsel for the State has invited our attention to the communication dated 07.10.2014 addressed to the Appellant by the Chief Executive Officer, Zila Panchayat, Janjgir-Champa granting her a personal hearing pursuant to the order dated 07.08.2014. The appellant did not appear for hearing on the scheduled date. The appellant according to records is an Arts teacher and not an English teacher. These, in our opinion are the matters to be considered by the authorities themselves during the personal hearing of the Appellant. Presumably, she did not appear before the authorities in view of the pendency of the present appeal.

5. The Appeal is disposed with direction to the respondents to grant personal hearing to the appellant with regard to her transfer and pass a reasoned and speaking order in accordance with law under the incorporations and guidelines contained in the Rationalization Policy, within a period of four weeks from the date of receipt and/or production of a copy of this order before



57

them, provided the appellant herself co-operates.

6. The Appeal stands disposed of.

Sd/-
Acting Chief Justice

Sd/-
P. Sam Koshy
Judge

A.D.
Bhola

(9.11.08)

CHATTISGARH HIGH COURT

