

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1740 of 2015**

- Narendra Singh Rajput, S/o Ramji Singh Rajput, Aged About 35 years, Working as Block Project Officer, Block Lok Shikshan Samiti, Janpad Panchayat S.Lohara, Kabirdham, District Kabirdham, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Naya raipur, District Raipur, Chhattisgarh
2. Director, Public Instructions, Raipur, District Raipur Chhattisgarh
3. Collector, Kabirdham, P.S. Kabirdham, District Kabirdham, Chhattisgarh
4. District Education Officer, Kabirdham, District Kabirdham, Chhattisgarh
5. Chief Executive Officer, S. Lohara, District Kabirdham, Chhattisgarh
6. Devendra Singh Netam, Upper Division Teacher, Presently Posted as Block Project Co-ordinator, S. Lohara, District Kabirdham, Chhattisgarh
7. Mohan Lal Shrivastava, Working as Upper Division Teacher, Presently Posted as Block Project Co-ordinator, S. Lohara, District Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	:	Shri C.J.K. Rao, Advocate
For Respondent/State	:	Shri Y.S. Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****07/05/2015**

1. Petitioner has assailed the legality and validity of the order Annexure P-1, whereby he has been relieved for joining at the original place of posting, pursuant to the State Government's instruction Annexure P-2, whereby it has been directed that teachers should not be engaged in non-teaching activities.

2. Learned counsel for the petitioner would submit that respondents No.6 & 7, are also teachers, therefore, they should not have been assigned the charge of non-teaching activity, as the same reason applies for them also.
3. Learned State counsel would point out that since a non-teaching post on which the petitioner is working cannot be kept vacant, respondents No.6 & 7 have been handed over additional charge of the said office and it is not that they have been posted afresh in place of the petitioner.
4. It is settled law that a person cannot enforce negative equality. Even otherwise, respondents No.6 & 7 have been given additional charge of a non-teaching post. It is for the State Government to decide as to whether the said respondents No.6 & 7 are to be continued with non-teaching assignments or the same is to be assigned to a person having non-teaching post.
5. The impugned order has the effect of withdrawing the deputation. It is settled law that a deputationist has no right to hold the post. (See: **Sagir Khan Vs. State of Chhattisgarh & Another¹**).
6. For the foregoing, the writ petition has no substance, it deserves to be and is hereby dismissed.

JUDGE

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¹ WP (S) No.2741/2012, decided on 2-9-2014