

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2124 of 2015

Mohan Lal Sahu S/o Keshav Ram Sahu Aged About 36 years R/O Village Dabha, P.O. Karelichhoti, PS Magarlod, Dist. Dhamtari (Chhattisgarh).

---- Petitioner

Versus

1. Chief Executive Officer, Janpad Panchayat, Magarlod District Dhamtari (Chhattisgarh)
2. Additional Chief Executive Officer (Education)-Cum- Block Education Officer, Magarlod, District Dhamtari (Chhattisgarh)
3. The Collector, Dhamtari (C.G.)

---- Respondents

For Petitioner	Shri Rajnish Singh Baghel, Advocate
For Respondent/State	Shri P.K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/06/2015

1. The petitioner, who is working as Assistant Teacher (Panchayat) and is posted at Government Primary School, Karelichhoti, Janpad Panchayat Magarlod, has been posted at Primary School, Ghoragaon, Janpad Panchayat Nagri. The order has been issued in purported exercise concerning rationalization of teachers.
2. Learned counsel for the petitioner would submit that the order has been passed by the Additional Chief Executive Officer (Education)-

cum-Block Education Officer, Magarlod, District Dhamtari, however, the said officer is neither the appointing authority nor the disciplinary authority of the petitioner. He would submit that the petitioner has been appointed by a particular Janpad Panchayat and his services are transferable within the Janpad Panchayat area whereas, by the impugned order, the petitioner has been posted in a school under a different Janpad Panchayat.

3. Learned State counsel would submit that the impugned order appears to be passed under the scheme of the rationalization, therefore, it would be appropriate for petitioner to submit representation before the concerned Collector, who shall decide the matter in accordance with law.
4. For the foregoing, the writ petition is disposed of with a direction that in the event, petitioner prefers a representation before the respondent No.3 i.e. Collector, Dhamtari within a period of one month from today, the said Collector shall consider and decide the petitioner's representation by a speaking order, at the earliest, preferably within a period of three months from the date of submission of the representation. The effect and operation of the impugned order shall remain stayed till the petitioner's representation is decided by the said authority.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA