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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2191 of 2015

- Asarita Minj W/o Shri P.A. Minj Aged About 51 Years Presently Posted As Upper Division Teacher (English) At Government Middle School Rajendra Nagar District Bilaspur R/o Maharishi School Road, Sumita Vihar, Mangla, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan Naya Raipur Raipur Chhattisgarh
2. The Collector Bilaspur District Bilaspur Chhattisgarh
3. The District Education Officer, Bilaspur District Bilaspur Chhattisgarh
4. The Chief Executive Officer, Zila Panchayat, Bilaspur, Chhattisgarh
5. The Block Education Officer Block Bilha, District Bilaspur Chhattisgarh
6. Principal Government Higher Secondary School, Rajendra Nagar, Bilaspur Chhattisgarh

---- Respondents

For Petitioner	Mr. Mateen Siddique, Advocate
For Respondent /State	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

21/8/2015

Heard finally with the consent of learned counsel for the parties.

(2) By this petition, the petitioner seeks to challenge the legality and

validity of the order dated 10.03.2015, whereby, the Chief Executive Officer, Jila Panchayat, Bilaspur rejected the representation of the petitioner. The petitioner also seeks quashing of the order dated 12.05.2015 passed by the Principal, Government Higher Secondary School, Rajendra Nagar, by which, she has been relieved to join at the transferred place of posting. The petitioner further seeks a direction to the respondent authorities to enforce the order dated 31.10.2014.

(3) On going through the record of the writ petition, it is manifest that initially by order dated 13.08.2014, the petitioner has been adjusted and shifted from Government Middle School, Rajendra Nagar, Bilaspur to Government Middle School, Tifra. The petitioner challenged the said order before this Court by filing W.P.(S) No.4672 of 2014. The said writ petition was dismissed by order dated 19.09.2014 with an observation that dismissal of the petition shall not come in the way of the petitioner in pursuing her representation. Thereafter, the petitioner made a representation before the authorities on 29.09.2014 (Annexure P/5). In the meanwhile, by order dated 31.10.2014 (Annexure P/6), the District Education Officer, Bilaspur cancelled the posting of the petitioner. However, by the impugned order dated 10.03.2015, the Chief Executive Officer, Jila Panchayat, Bilaspur rejected the representation of the petitioner and in pursuance of the said order, the Principal of the Government Higher Secondary School, Rajendra Nagar, Bilaspur relieved the petitioner to join at the new place of posting.

(4) From the pleadings and the documents annexed with the writ petition it appears that pursuant to the transfer order dated 13.08.2014, the petitioner has not been relieved till passing of the order dated 12.05.2015 and thereafter, by order dated 30.06.2015, this Court passed the interim order in favour of the petitioner.

(5) At this juncture, learned counsel appearing for the State would submit that the petitioner is still continuing at the original place of posting on account of interim orders granted by this Court, therefore, the State/respondents may be granted liberty to pass appropriate orders keeping in view public interest and administrative exigency. Learned counsel would further submit that the State/respondents shall not insist upon compliance of the original transfer order dated 13.8.2014. It is accordingly ordered.

(6) Since no effect could be given to the transfer order on account of the aforesaid interim order, it is not necessary to go into the legality and validity of the said order in the facts of the case.

(7) In view of the above, according to learned counsel appearing for the petitioner, nothing survives in this petition for adjudication at this stage.

(8) Accordingly, the writ petition stands disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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