

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 277 of 2015**

Ashok Kumar Singh Bhadoriya S/O Late N.S. Bhadoriya Aged About 59 years Posted As Block Education Officer Odagi, Block- Odagi, Tehsil & P.S. Odagi, Revenue & Civil District Surajpur Chhattisgarh R/O Odagi, Post, P.S. & Tehsil Odagi, Revenue & Civil District Surajpur Chhattisgarh

---- **Petitioner**

Versus

1. G. R. Churendra (Posted As Collector Surajpur) Revenue & Civil District Surajpur Chhattisgarh
2. Vinod Kumar Singh (Posted As Circle Organizer Odagi), Revenue & Civil District Surajpur Chhattisgarh

---- **Respondent**

For Petitioner - Shri Surfaraj Khan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/07/2015

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 13.05.2015 passed in W.P.(S) No.4325 of 2014.

2. Submission of learned counsel for the petitioner is that the spirit of the order entitled the petitioner to remain as In-charge Block Education Officer (for short "BEO") till the positing of any other person in his place by an order passed by the Competent Authority on the basis of administrative exigency but the respondent No.1 contemnor has again passed order on almost identical terms as order dated 12.08.2014 earlier impugned in the writ petition.

3. The earlier writ petition filed by the petitioner was disposed off though this Court holding that the petitioner is not the substantive holder of the post of BEO and it is only a posting order rather than the appointment in terms of Chhattisgarh Scheduled Tribe and Scheduled Caste Development Department Education Cadre (Gazetted) Service Recruitment Rules, 2011. It was observed that the petitioner may remain as In-charge, BEO though clarifying he has no right to hold the post.

4. The spirit of the order allows the petitioner to continue In-charge posting till the competent Authority passes an order of posting a person as BEO or such other arrangement which can be made by the Competent Authority.

5. It appears that respondent No.1 has not correctly understood the spirit of the order and has passed fresh order shifting the petitioner without there being any authorization in his favour or order of the Competent Authority. Therefore, in these circumstances though the order does not appear to be in accord with the spirit of order dated 13.05.2015, at this stage, I would not hold that this is willful disobedience. It would be proper to first give the respondents an opportunity to correct the order in view of what has been observed by this Court herein above. Let a copy of this order be placed before the Collector. If appropriate steps are not taken in the spirit of the order passed by this Court within a period of ten days from the date of receipt of copy of this order, the petitioner would be at liberty to revive this contempt petition.

6. With the aforesaid observations, the contempt petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha