

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3003 of 2015

- Shyamanand Sahu S/o Shri Nandu Ram Sahu Aged About 49 Years Principal (Higher Secondary School) Working On The Post Of Block Education Officer, Pali, Police Station- Pali, Civil & Revenue Distt. Korba, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Secretary, Tribal Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
3. Collector, Korba, Distt. Korba, (Chhattisgarh)
4. Assistant Commissioner, Tribal Welfare Department, Distt. Korba, (Chhattisgarh)
5. District Education Officer, Korba, Distt. Korba, (Chhattisgarh)

---- Respondents

For Petitioner	Shri A.S. Rajput, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

19/08/2015

1. Petitioner would assail the legality and validity of the order dated 17.07.2015 passed by the Collector, Korba, whereby the petitioner has been relieved of the charge of the post of Block Education Officer, Pali (for short 'the BEO') and has been posted as Principal of Government High School, Chodha, Block Pali, District Korba.

2. Learned counsel for the petitioner would submit that the petitioner is an employee of the Education Department, therefore, the Collector has no jurisdiction to direct transfer or posting of the petitioner. Learned counsel would further submit that the petitioner was posted as the BEO by the State Government, therefore, for this reason also, the Collector should not have passed the order, which has the effect amending the State Government's order. It is also argued that the impugned order is stigmatic, however the same has been passed without affording any opportunity of hearing to the petitioner, thus, it violates the principle of natural justice.
3. Per contra, learned counsel appearing for the State would submit that the District Collector has jurisdiction to manage the overall administration in his district. If any event has been referred in the impugned order, the same ought not to be construed as stigmatic because no adverse action has been taken against the petitioner. Learned counsel would further submit that Shri Pramod Kumar Saxena to whom the charge has been handed over, has not been arrayed as respondent, therefore, the petition suffers from non-joinder of necessary parties. Learned counsel would next submit that the post of BEO and the Principal is interchangeable posts.
4. A reading of the impugned order would indicate that the incident, which had taken place in the Girls Residential School, Pali and the subsequent dereliction on the part of the petitioner has been made basis for relieving the petitioner from the post of BEO and directing his posting as Principal, however, by the impugned order, the petitioner has neither been suspended nor any other action is contemplated as enumerated under the provisions of the Chhattisgarh Civil Services

(Classification, Control and Appeal) Rules, 1966, for imposing penalty on the petitioner. The impugned order appears to have been passed in the interest of administration. Moreover, Pramod Kumar Saxena, who has been handed over the charge of the office of the BEO, Pali has not been arrayed as a respondent in the present petition.

5. Although, it appears the impugned order is not happily worded inasmuch as it carries the expression as if the petitioner has been removed from the office of the BEO, however, in view of the submission made by the learned counsel for the State that the post of BEO and Principal, High School is interchangeable post and the petitioner has not submitted any document to substantiate that either the pay scale of the post of BEO and the Principal are different or that the post of BEO is the promotional post from the post of Principal, High School, it would appear that the two posts are interchangeable posts.
6. It is also to be seen that the petitioner has neither pleaded nor argued that the impugned order has the effect of reverting the petitioner from the post of BEO to the post of Principal, therefore, for this reason also, it would appear that the post of the BEO and the Principal are interchangeable posts.
7. It is the settled law that the writ Court should not interfere with the day-to-day administration of the State Government, because the writ Court has no expertise to manage the affairs of the State Government. It is always prudent to leave the job of administration to a particular office or to the concerned Head of the Department or the Collector at the district level.

8. The Supreme Court in the matter of **V. Ramana v. A.P. SRTC and others**¹ has held thus:-

“11. The common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in *Wednesbury case* the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision for that of the administrator. The scope of judicial review is limited to the deficiency in decision-making process and not the decision.”

9. In the result, the writ petition, being bereft of merits, is liable to be and is hereby dismissed at the motion stage itself.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Gowri

1 (2005) 7 SCC 338