

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3121 of 2015**

- Smt. Girisha Devi Mishra W/o Shri Awadh Kishor Mishra, Aged About 27 Years R/o Behind Aangan Badi Albedapara, Forest Colony, Kondagaon, Police Station Kondagaon, Civil And Revenue District Kondagaon, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through: The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. Managing Director, Rajya Madhyamik Shiksha Missioner, Chhattisgarh State Model School Organization 2nd Floor, Ekikrat Shiksha Bhawan Pensioni Bada, Raipur, District Raipur, (Chhattisgarh)
3. The Collector, Kondagaon, District Kondagaon, (Chhattisgarh)
4. District Education Officer And Joint District Project Officer, Rashtriya Madhyamik Shiksha Mission District Kondagaon, District Kondagaon, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate
For Respondents-State	:	Shri Bhaskar Payashi, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/08/2015**

1. Petitioner has preferred this writ petition seeking a direction to the respondent authorities to publish advertisement for filling up the post of part time Sanskrit guest teacher in Kondagaon district.
2. Learned counsel for the petitioner would submit that the advertisement has

been issued for recruitment of part time guest teachers in different subjects by Annexure P-4 but for Sanskrit teacher such advertisement has not been issued, although sanctioned posts are available.

3. Having heard learned counsel for the parties, in the considered opinion of this Court, the writ petition is not maintainable, inasmuch as, any authority/employer cannot be directed by the Court under Article 226 of the Constitution of India to issue advertisement for a post. It is for the authority to consider the necessity of filling up the post at a given point of time. If the authority is of the view that the present strength of teachers for particular subject would fulfill the need of the institution, this Court cannot issue a mandamus to direct the authority/institution to fill up the post only for the reason that the posts are available in the set up.
4. For the foregoing, the writ petition is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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