

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3566 of 2015

1. Lalit Mohan Yadav S/o Shri Madan Ram Yadav, Aged About 27 Years Working As Cluster Academic Co-Ordinator, Cluster Center Kaliba, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
2. Apsarhasan Rain, S/o Late Maksud Aalam, Aged About 43 Years Working As Cluster Academic Co-Ordinator, Cluster Center Ginabahr, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
3. Jaipal Toppo, S/o Late Rafail Toppo, Aged About 53 Years Working As Cluster Academic Co-Ordinator, Cluster Center Goriya, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
4. Ravishankar Yadav, S/o Khirodhar Yadav, Aged About 39 Years Working As Cluster Academic Co-Ordinator, Cluster Center Behrakhar, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
5. Shahid Khan, S/o Late Yunus Khan, Aged About 41 Years Working As Cluster Academic Co-Ordinator, Cluster Center Basantala, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
6. Devnarayan Ram, S/o Late Salig Ram, Aged About 32 Years Working As Cluster Academic Co-Ordinator, Cluster Center Kunkuri, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
7. Sarad Kumar Dass, S/o Narshig Dass, Aged About 49 Years Working As Cluster Academic Co-Ordinator, Cluster Center Keradih, Tahsil Kunkuri, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Police Station Rakhi, Tahsil Aarang, Naya Raipur, Chhattisgarh.
2. Collector Cum District And Mission Director, Rajeev Gandhi Shiksha Mission, Jashpur, P. S. Jashpur, District Jashpur, Chhattisgarh.
3. Chief Executive Officer Cum District Project Director, Rajeev Gandhi Shiksha Mission, Jashpur, District Jashpur, Chhattisgarh.

4. District Education Officer, Jashpur, District Jashpur (Chhattisgarh)

---- Respondent

AND

WPS No. 3567 of 2015

1. Wasim Ali S/o Md. Sharif, Aged About 35 Years Working As Cluster Academic Co-Ordinator, Cluster Center Lodhma, Tahsil Kunkuri, District Jashpur, Chhattisgarh
2. Plasidiyus Tigga, S/o Late Ignesh Tigga, Aged About 53 Years Working As Cluster Academic Co-Ordinator, Cluster, Center Sendrimunda, Tahsil Kunkuri, District Jashpur, (Chhattisgarh)
3. Aditya Narayan Gupta, S/o Late Munnasao, Aged About 48 Years Working As Cluster Academic Co-Ordinator, Cluster Center Kunjara, Tahsil Kunkuri, District Jashpur, (Chhattisgarh)
4. Dilip Kumar Ambast, S/o Late Santan Prasad Ambast, Aged About 54 Years Working As Cluster Academic Co-Ordinator, Cluster Center Dodidand, Tahsil Kunkuri, District Jashpur, Chhattisgarh
5. Anil Kumar Dubey, S/o Shri Prem Shankar Dubey, Aged About 51 Years Working As Cluster Academic Co-Ordinator, Cluster Center, Bandarchuwa, Tahsil Kunkuri, District Jashpur, (Chhattisgarh)
6. Vincent Minj, S/o Shri Samuel Minj, Aged About 53 Years Working As Cluster Academic Co-Ordinator, Cluster Center, Jaikari, Tahsil Kunkuri, District Jashpur, (Chhattisgarh)
7. Jaimasih Kujur, S/o Shri Marshall Kujur, Aged About 52 Years Working As Cluster Academic Co-Ordinator, Cluster Center Narayanpur, Tahsil Kunkuri, District Jashpur, (Chhattisgarh)
8. Kaleshwar Yadav, S/o Late Luthru Ram, Aged About 43 Years Working As Cluster Academic Co-Ordinator, Cluster Center Kandora, Tahsil Kunkuri, District Jashpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Police Station Rakhi, Tahsil Aarang, Naya Raipur, Chhattisgarh

2. Collector Cum District And Mission Director, Rajeev Gandhi Shiksha Mission, Jashpur, P.S. Jashpur, District Jashpur, (Chhattisgarh)
3. Chief Executive Officer Cum District Project Director, Rajeev Gandhi Shiksha Mission, Jashpur, District Jashpur, Chhattisgarh

---- Respondent

For Petitioners	Shri C.J.K. Rao, Advocate
For Respondent/State	Shri Y.S. Thakur, Dy. Adv. General with Shri Sangarsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

02/12/2015

1. In these two writ petitions, the petitioners would assail the letter dated 21.09.2015 issued by the Collector-cum-District Mission Director, Rajeev Gandhi Shiksha Mission, Jashpur directing all the Block Education Officers (BEO) to send panel of teachers for posting them as Cluster Academic Coordinator (CAC). It has been informed to the BEOs that such CACs would be appointed from amongst 5 senior Trained Graduate Teachers (TGT) who is having knowledge of computer.
2. It is argued on behalf of the petitioners that the petitioners were appointed as CACs pursuant to the order dated 27.06.2014, which was issued in accordance with the Government circular dated 30.05.2014, therefore, appointing fresh set of CACs is illegal and arbitrary. Learned counsel would place reliance upon the decision

of this Court rendered in **Ram Kumar Chouhan v. State of Chhattisgarh and others**¹ and other connected matters.

3. The petitioners have been appointed vide orders dated 08.01.2015 (Annexure-P-4 to WPS No.3566/2015) and 29.08.2014 (Annexure-P-4 to WPS No.3567/2015). This appointment on deputation has been made without mentioning any fixed term of deputation. The order appears to be a simple order of posting as CAC. It is also to be seen that after the petitioners' appointment, the State Government has issued fresh instructions for appointment/posting of Block Resource Coordinator (BRC), Block Resource Person (BRP) and CAC. The impugned letter has been issued by the District Mission Director in furtherance of the State Government's circular dated 03.09.2015, therefore, the petitioners cannot independently challenge the letter Annexure-P-1 without challenging the State Government's policy decision dated 03.09.2015.
4. Reliance placed by the petitioners on the order passed by this Court in **Ram Kumar Chouhan** (supra) is of no assistance to them, because in the said case, the petitioners were appointed on deputation for a fixed term of 5 years and they were sought to be replaced even before completion of the fixed term of deputation, therefore, this Court had interfered.

¹ WPS 4503 of 2014 (decided on 08.05.2015)

5. In the cases at hand, the petitioners' posting order nowhere mentions any term of deputation. It further appears, on the previous occasion the State Government had issued circular on 30.05.2014 for selection of teachers for posting as CAC, because in absence of any provision of selection, persons were appointed as CAC at the block level at the whims and fancies of the BEO, however, merely because some process was drawn before posting the petitioners as CAC, the same would not amount to selection conferring any new or additional right in favour of the petitioners.
6. In the considered opinion of this Court, if the State Government had drawn fresh policy for selecting such senior TGT, who are well versed in computer for their posting as CAC, no fault could be found in the said manner of posting of CAC.
7. As an upshot, both the writ petitions, being bereft of merit, are liable to be and are hereby dismissed. Sd/-

Judge

Prashant Kumar Mishra

Gowri