

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 1737 of 2015

Anadi Kumar Mishra, S/o Shri N.K. Mishra Aged About 46 years,
Occupation- Government Service, Posted At Pre Examination Training
Center Bilaspur, Bilaspur, R/O- B/64, Swarn Jayanti Nagar Ring Road
No.2 Bilaspur, P.S. Civil Lines, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Secretary, Department Of Tribal Welfare And Development, Mahanadi Bhawan Naya Mantralaya, P.S. Naya Raipur (Chhattisgarh)
2. Assistant Commissioner, Department Of Tribal Development, Composite Building, Collect-orate Bilaspur P.S. Civil Lines District Bilaspur (Chhattisgarh)
3. Additional Director, Pre Examination Training Center Bilaspur, P.S. Sarkanda District Bilaspur (Chhattisgarh).
4. Block Education Officer Gorella, P.S. Gorella District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	Shri Avinash K. Mishra, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

06/05/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has assailed the order dated 02.05.2015 passed by the Additional Director, Pre Examination Training Center, Bilaspur, District

Bilaspur (C.G.) directing relieving of the petitioner for the place where from his salary is drawn i.e. Girls Middle School, Khodari, Block Gorella.

3. Learned counsel for the petitioner would draw attention of the Court to the order dated 30.06.2009 passed by the State Government posting the petitioner at the Pre Examination Training Center, Bilaspur on administrative exigency, to submit that the petitioner has never been attached in that office, therefore, the impugned order passed by the Subordinate Authority by referring to the State Government's order dated 01.05.2015, directing cessation of all attachments, is *per se* illegal.
4. Learned State counsel would submit that the impugned order has occasioned because, the control of all the schools of other departments have been brought under the exclusive control of the Department of School Education.
5. Having heard learned counsel for the parties, it appears, the petitioner was posted at the Pre Examination Training Center, Bilaspur District Bilaspur (C.G.) by order passed by the State Government on 30.06.2009. If this institution i.e. the Pre Examination Training Center is brought under the control of the School Education Department, it is not possible that the said post where the petitioner is posted, would not come under the control of the School Education Department. Even if, it is taken that the petitioner's salary was drawn from a different school yet an officer subordinate to the State Government cannot pass an order contrary to the State Government's order and direct petitioner's relieving.

6. For the foregoing, the impugned order with respect to the petitioner is quashed. The petitioner shall continue to remain posted at Pre Examination Training Center, Bilaspur unless and until the State Government itself takes a different decision.
7. At this stage, learned counsel for the petitioner would draw attention of the Court to the pleadings made in para 9.4 of the writ petition to canvas that employees posted in the Pre Examination Training Center, Bilaspur by local arrangement, after petitioner's posting, are drawing salary from the Center and the petitioner's salary is continued to be drawn from a different place, which is arbitrary and a direction in this respect be issued to the respondents. Since this Court is not posted with the entire facts about drawing of salary by other employees posted in the Training Center attached after the date of posting of the petitioner, on this issue, the petitioner would be at liberty to submit representation before the competent authority and on such representation being filed, the same shall be considered and disposed of in accordance with law at the earliest, preferably within a period of 6 months.

JUDGE