

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 470 of 2015**

Krishna Kumar Tiwari, S/o Janak Ram Tiwari, Aged About 51 Years
Govt. Boys Middle School Bharni, Block Takhatpur, District Bilaspur
Now At Middle School Mode, Takhatpur, District Bilaspur Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Education Department,
New Mantralaya Raipur District Raipur Chhattisgarh
2. District Education Officer, Bilaspur Chhattisgarh
3. Chief Executive Officer, District Panchayat, Bilaspur Chhattisgarh
4. The Collector, Bilaspur, Chhattisgarh

---- Respondents

For Appellant:-

Shri Parag Kotecha, Advocate.

For Respondents/State:-

Shri UNS. Deo, Government Advocate.

Hon'ble The Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order On Board****Per Navin Sinha, Chief Justice****30/09/2015**

1. I.A. No.1/2015 has been filed to condone 12 days' delay in preferring the appeal.
2. Considering the duration, delay is condoned.
3. The present appeal arises from order dated 6.7.2015 dismissing Writ Petition (S) No.1461/2015 declining to interfere with the order passed by the Chief Executive Officer of the Zilla Panchayat rejecting the representation against transfer of the Appellant.
4. Learned Counsel for the Appellant submits that the transfer order was issued by the District Education Officer who alone was competent to consider

the representation. The disposal of the representation by the Chief Executive Officer of the Zilla Panchayat was therefore completely without jurisdiction.

5. Learned Counsel for the State points out that the orders of the District Education Officer or the Chief Executive Officer as the case may be, had both been passed after approval of the Collector.

6. We are of the considered opinion that the appeal is not maintainable on another short ground.

7. The Appellant came to this Court earlier in W.P.(S) No.5977/2014 which was withdrawn to file a representation. It is a matter of common knowledge that such orders are passed when the person approaching the Court is unable to obtain relief and withdraws to represent to avoid an adverse verdict. If this Court did not find any cause of action in W.P.(S) No.5977/2014, we fail to understand how a fresh cause of action accrued on a representation filed subsequently resurrecting the non-existent cause of action when W.P.(S) No.5977/2014 was withdrawn.

8. The Writ Petition typically suffered from what has been described as the representation syndrome in (2008) 10 Supreme Court Cases 115 (C. Jacob vs. Director of Geology And Mining).

9. We find no merit in the appeal. It is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

