

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 3499 of 2015**

1. Lakeshwar Prasad Shyam S/o Late Shri Firat Ram Shyam, Aged About 44 Years Upper Division Teacher Presently Working As Block Resource Person, Block Resource Center Malkharouda, Block Malkharouda, District Janjgir Champa, (Chhattisgarh)
2. Jaichand Rathore, S/o Shri Gopi Ram Rathore, Aged About 52 Years Upper Division Teacher, Presently Working As Block Resource Person, Block Resource Center, Bamhnidih, Block Bamhnidih, District Janjgir Champa, (Chhattisgarh)
3. Basant Chaturvedi, S/o Shri Balmukund Chaturvedi, Aged About 41 Years Lecturer (Panchayat) Presently Working As Block Resource Person, Block Resource Center Bamhnidih, Block Bamhnidih, District Janjgir Champa, (Chhattisgarh)
4. Jagjeevan Pal, S/o Shri Bhagawat Pal, Aged About 36 Years Lecturer (Panchayat), Presently Working As Block Resource Person, Block Resource Center Baloda, Block Baloda, District Janjgir Champa, (Chhattisgarh)
5. Ashish Mishra, S/o Shri Ram Chandra Mishra, Aged About 42 Years Lecturer (Panchayat), Presently Working As Block Resource Person, Block Resource Center Akaltara, Block Akaltara, District Janjgir Champa, (Chhattisgarh)
6. Jugal Kishor Shukla, S/o Shri Ramgopal Shukla, Aged About 42 Years Lecturer (Panchayat), Presently Working As Block Resource Person, Block Resource Center Akaltara, Block Akaltara, District Janjgir Champa, (Chhattisgarh)

---- Petitioners**Versus**

1. State of Chhattisgarh Through Its Secretary, School Education Department, Mahanadi Bhawan, Raipur, (Chhattisgarh)
2. The Secretary, Panchayat Department, Mahanadi Bhawan, Raipur, (Chhattisgarh)
3. The Collector Cum District Mission Director, Rajeev Gandhi Shiksha Mission, Janjgir, District Janjgir Champa, (Chhattisgarh)
4. The District Education Officer Cum District Mission Coordinator, Rajeev Gandhi Shiksha Mission, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Ashwani Shukla, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/09/2015

1. Petitioners are substantially appointed on the post of Upper Division Teachers and are presently posted as Block Resource Person (for short 'the BRP'), in different block resource centres in the district of Janjgir-Champa. They have questioned the legality and validity of the policy decision of the State Government issued by Annexure P-1 on 03.09.2015, whereby in order to improve inspection process under the Shiksha Gunwatta Abhiyan, the State Government has decided to post such experienced Head Masters, who have undergone sufficient training and administrative work and are also conversant with the computer function, as BRC.
2. Learned counsel for the petitioners would urge that the District Collector/District Mission Coordinator, Janjgir-Champa has posted them as BRP few months or a year back, therefore, the impugned policy has the effect of putting an end to their appointment, therefore, it is arbitrary.
3. After placing reliance upon the decisions of the Supreme Court and the decision of the Division Bench of this Court, this Court in **Gajendra Hariharno and others Vs. State of Chhattisgarh and others**¹ and other connected matters has held that writ Court does not interfere with the policy decision of the State Government, unless the policy is violative of any statutory or constitutional provision or is otherwise outrageously arbitrary.

¹ WPS No.3200/2014 (decided on 22.07.2014)

4. Petitioners have not brought to the notice of this Court any such ground to point out that the policy is in violation of any constitutional or statutory provision. Merely because the impugned policy has the effect of putting an end to petitioners' posting as BRP, the same does not become arbitrary. Petitioners are not appointed on the post of BRP in substantive capacity. Their substantive appointment is on the post of Upper Division Teacher, therefore, the petitioners are not suffering adversely in respect of their service conditions.

5. For the foregoing, there is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

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