

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3668 of 2015

- Smt. Ishwari Sahu W/o Shri Salikram Sahu, Aged About 40 Years Working As A Teacher (Panchayat), Govt. Higher Secondary School, Sankra (Jonk), District Mahasamund, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh The Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, (Chhattisgarh)
2. The Collector, Mahasamund, District Mahasamund, (Chhattisgarh)
3. The Chief Executive Officer, Zila Panchayat, District Mahasamund, (Chhattisgarh)
4. The District Education Officer, District Mahasamund, (Chhattisgarh)
5. The Block Education Officer, Pithoura, District Mahasamund, (Chhattisgarh)

---- Respondents

For Petitioner	Shri Shivendu Pandya, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

09/10/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. In the present case, the petitioner is challenging the rationalization posting under the order issued by the District Education Officer,

Mahasamund and Chief Executive Officer, Zila Panchayat, Mahasamund. By the said order, the petitioner has been posted at Higher Secondary School, Sapos.

3. Learned counsel for the petitioner would submit that while preparing the list of surplus teachers, the respondent authorities have not followed the guidelines issued by the State Government on 27.05.2014, 02.07.2014 and some other clarificatory orders, even though the impugned orders refer to the said guidelines. He would also submit that several teachers like Chandrakanta Nagwanshi, Reshamlal Patel, Upendra Kumar Bhoi, Arun Kumar Seth, Namrata Choudhary, Vimla Sehsh, Uttara Kumar Diwan, Narendra Singh and Tularam Sidar, have been declared surplus but they have been adjusted in the same school, which is in complete violation of the rationalization policy. He would further submit that in the counselling, the petitioner was not made aware about all the vacant seats where he can be transferred, therefore, the counselling was a farce and it was so conducted only to facilitate posting of chosen one at the desired place. He would also submit that the rationalization having been made in the year 2015, the list of surplus teachers should have been updated, however, the list of 2014 has been suppressed and the vacancy already available in different schools were not brought to the notice.
4. Learned counsel for the State would submit that in the matter of **Gajendra Hariharno and Others v. State of Chhattisgarh and Others** (WPS 3200 of 2014 decided on 22.07.2014), this Court has upheld the policy of rationalization, and the exercise taken by the authorities being pure administrative in nature, no interference is called for.

5. Considering the nature of grounds raised by the petitioner, this Court deems it appropriate that the matter be examined by the Collector, Mahasamund. Let the petitioner submit representation before the Collector, Mahasamund within 15 days. On such representation being filed, the concerned Collector shall consider and decide the same at the earliest preferably within a period of one month from the date of submission of representation. For a period of 6 weeks from today, the effect and operation of the impugned order with respect to the petitioner shall remain stayed.
6. With the aforesaid observations/directions, the writ petition stands finally disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala