

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP (S) No. 1925 of 2015**

Smt. Hulas Jogi, W/o L.S. Jogi aged about 40 years at post on the post of Superintendent of pre-examination Training Center Bilaspur dist-Bilaspur (C.G.)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through it's the Secretary Department of Tribal & welfare development, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. The Commissioner, Tribal & Welfare development Department Raipur (C.G.)
3. The Assistant Commissioner Tribal development department Bilaspur dist. Bilaspur
4. The Assistant Director Pre-examination Training Center Bilaspur (C.G.)

**---- Respondents**

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| For Petitioner       | Shri Ravi Maheshwari, Advocate |
| For Respondent/State | Shri P.K. Bhaduri, P.L.        |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**06/07/2015**

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 her salary is drawn i.e. Middle School Lamna, Block Gourela.

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. Accordingly the impugned order, in so far as it concerns petitioner, is quashed.

Sd/-

JUDGE

(Prashant Kumar Mishra)

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