

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3381 of 2015

- Smt. Sita Patel W/o Shri Gouri Shankar Patel, Aged About 40 Years Working As Teacher (Panchayat), Govt. Middle School, Banigirola, Block Saraipali, District Mahasamund, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New 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, Saraipali, District Mahasamund, (Chhattisgarh)
6. Ramesh Lal Patel, S/o Ganga Prasad Patel, Posted As Teacher (Panchayat), Govt. Middle School, Bonda, Block Saraipali, District Mahasamund, (Chhattisgarh)

---- Respondent

WPS No. 3382 Of 2015

- Smt. Sulochana Patel W/o Rajaram Patel, Aged About 33 Years Working As Teacher ( Panchayat) Govt. Middle School, Semaliya, Block Saraipali, District Mahasamund Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New 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 Ofifcer, Saraipali, District Mahasamund Chhattigarh

6. Ramesh Lal Patel, S/o Ganga Prasad Patel, Posted As Teacher ( Panchayat), Govt. Middle School, Bonda, Block Saraipali, District Mahasamund Chhattisgarh

**Respondents**

**WPS No. 3383 OF 2015**

- Ku. Anita Shukla D/o Late Nileshwar Shukla, Aged About 39 Years Working As Teacher (Panchayat), Govt. Middle School Chhindpali, Block Saraipali, District Mahasamund, (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New 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 Ofifcer, Saraipali, District Mahasamund Chhattigarh
6. Ramesh Lal Patel, S/o Ganga Prasad Patel, Posted As Teacher ( Panchayat), Govt. Middle School, Bonda, Block Saraipali, District Mahasamund Chhattisgarh

**Respondents**

**WPS No. 3385 OF 2015**

- Smt. Kamakshi W/o Shri Sujeet Kumar, Aged About 33 Years Working As Teacher ( Panchayat), Govt. Middle School Pretendih, Block Saraipali, District Mahasamund (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New 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, Saraipali, District Mahasamund (Chhattisgarh)
6. Ramesh Lal Patel S/o Ganga Prasad Patel, Posted As Teacher ( Panchayat), Govt. Middle School Bonda, Block Saraipali, District Mahasamund (Chhattisgarh)

---- Respondents

And

WPS No. 3386 Of 2015

- Smt. Padmini Kumar W/o Shri Sitaram Thakur, Aged About 35 Years Working As Teacher (Panchayat), Government Middle School, Bonda, Block Saraipali, District Mahasamund, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New 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 Ofifcer, Saraipali, District Mahasamund Chhattigarh
6. Ramesh Lal Patel, S/o Ganga Prasad Patel, Posted As Teacher ( Panchayat), Govt. Middle School, Bonda, Block Saraipali, District Mahasamund Chhattisgarh

-- Respondents

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|                      |                                                                |
|----------------------|----------------------------------------------------------------|
| For Petitioners      | Mr. V.R. Tiwari, Counsel for the petitioners.                  |
| For Respondent/State | Mr. Sangharsh Pandey, Dy. G.A. and Mr. Majid Ali, Panel Lawyer |

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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/09/2015

Heard finally with the consent of learned counsel for the parties.

(2) In the present batch of writ petitions, the petitioners are challenging the rationalization postings under the orders issued by the District Education Officer, Mahasamund and Chief Executive Officer, Zila Panchayat, Mahasamund. By the said orders, the petitioners have been posted in the following manner :

| Sl. No. | Name of the petitioners | Present Place of Posting | Transferred place of posting |
|---------|-------------------------|--------------------------|------------------------------|
| 1.      | Smt. Sita Patel         | Banigirola               | Balsi                        |
| 2.      | Smt. Sulochana Patel    | Semliyan                 | Kasdol                       |
| 3.      | Smt. Anita Shukla       | Chindpali                | Kodoguda                     |
| 4.      | Smt. Kamakshi           | Pretendih                | Kasdol                       |
| 5.      | Smt. Padmini            | Bonda                    | Patsendri                    |

(3) Learned counsel for the petitioners 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 petitioners were not made aware about all the vacant seats where they 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**<sup>1</sup>, 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 petitioners, this Court deems it appropriate that the matter be examined by the Collector, Mahasamund. Let the petitioners submit representations before the Collector, Mahasamund within 15 days. On such representations 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 representations. For a period of 06 weeks from today, the effect and operation of the impugned orders with respect to each of the petitioners shall remain stayed.

(6) With the aforesaid observations/directions, these writ petitions stand finally disposed of.

Sd/-

Judge

**(Prashant Kumar Mishra)**

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<sup>1</sup> WPS 3200 of 2014 (decided on 22-7-2014)

