

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3799 of 2015**

Smt. Tripta Kashyap, W/o Madhusudan Kashyap, aged about 49 years,
Block Education Officer, Durg, Police Station and District Durg,
Chhattisgarh

---- Petitioner

versus

State of Chhattisgarh, through the Secretary, Department of School
Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur,
Chhattisgarh

---- Respondent

and**Writ Petition (S) No.3800 of 2015**

1. Baratiya Lal Chandrakar, S/o Late Bundel Singh Chandrakar, aged about 55 years, working as Assistant Block Education Officer, Block Bilaigarh, R/o Village Otgan, Post Bhatgaon, District Baloda Bazar-Bhatapara, Chhattisgarh
2. Mahesh Ram Kurrey, S/o Late Chheduram Kurrey, aged about 47 years, working as Assistant Block Education Officer, Bilaigarh, R/o Village Kaitha, Post Parsadih, District Baloda Bazar-Bhatapara, Chhattisgarh
3. Girija Shanker Dhiwar, S/o Late Motiram Dhiwar, aged about 50 years, working as Assistant Block Education Officer, Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Petitioners

versus

State of Chhattisgarh, through the Secretary, Department of School
Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur,
Chhattisgarh

---- Respondent

For Petitioners	: Shri H.B.Agrawal, Senior Advocate with Shri K.S.Pawar, Advocate
For Respondent	: Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Navin Sinha, Chief Justice****26/10/2015**

1. Heard Learned Senior Counsel for the Petitioners and Learned
Additional Advocate General for the State.

2. Learned Senior Counsel for the Petitioners submits that the writ petitions may be disposed in similar terms as order dated 7.9.2015 in Special Leave Petition (Civil) No.7617 of 2015 with a direction to keep posts vacant for the Petitioners also to abide by the final orders that may be passed by the Supreme Court.

3. Learned Additional Advocate General for the State submits that in the Special Leave Petition preferred by the aggrieved against the order dated 29.1.2015 in Writ Petition (S) No.6759 of 2014 and Writ Petition (S) No.6733 of 2014 having granted *status quo* initially, the Supreme Court has subsequently restricted consideration for grant of relief to the seven Petitioners therein only granting liberty to the State to make appointments on the other vacancies.

4. We have considered the submissions on behalf of the parties.

5. The issue concerns appointment of Assistant Block Education Officers by direct recruitment only under the Chhattisgarh School Education (Gazetted) Service Recruitment Rules, 2009. The grievance of persons like the Petitioners was that earlier on 8.5.2015, 10% was a promotional avenue for Block Education Officers. The writ petitions were dismissed on 29.1.2015. In Special Leave Petition (Civil) No.7617 of 2015 preferred against the same, the Supreme Court initially granted orders of *status quo*. Subsequently, by order dated 7.9.2015, directions have been issued to keep seven posts vacant with regard to the Petitioners before it with liberty to the State for filling-up the rest of the posts in the interests of the students.

6. We do not consider it proper to grant relief of the nature sought for by the Petitioners as we are of the considered opinion that it would be against judicial propriety and discipline and would amount to overreach of the order dated 7.9.2015.

7. The Petitioners have only themselves to blame falling in the category of a fence-sitter, watching and waiting for the outcome of litigations preferred by others.

8. The writ petitions are dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE