

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.500 of 2015**

M.L. Sahu, aged about 55 years, S/o Shri Rathram Sahu, Posted as Assistant Block Education Officer, Kota, District Bilaspur, R/o Padavpara Kota, P.S. Kargi Road Kota, District Bilaspur, Chhattisgarh

---- Appellant**versus**

1. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya, Naya Raipur, Raipur, Chhattisgarh
2. The Director, Directorate of Public Instruction, C-Block, First Floor, Indravati Bhawan, Naya Raipur, Chhattisgarh
3. District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh
4. Umakant Jaiswal, S/o Hariram Jaiswal Jabbar & Sans Gali Nehru Nagar, Bilaspur, Chhattisgarh
5. Asgar Khan, S/o Noordad Khan, Near Ansari Fabrication, Kumhar Para, Talapara, Bilaspur, Chhattisgarh
6. Deepak Kumar Gupta, Gram Konchara, Via Belgahana, Tahsil Kota, District Bilaspur, Chhattisgarh

---- Respondents

For Appellant	:	Shri Mateen Siddiqui, Advocate
For Respondents No.1 to 3	:	Shri U.N.S. Deo, Government Advocate

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

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

1. The present appeal arises from order dated 6.10.2015 dismissing Writ Petition (S) No.3594 of 2015 holding that in view of the order dated 7.9.2015 in Special Leave Petition (Civil) No.7617 of 2015 confining relief to seven Petitioners therein only for appointment on the post of Assistant Block Education Officer, the writ petition was not maintainable.

2. Learned Counsel for the Appellant submits that the controversy relates to 100% direct recruitment of Assistant Block Education Officer under the Chhattisgarh School Education (Gazetted) Service Recruitment Rules, 2009. Writ Petition (S) No. 6759 of 2014 and Writ Petition (S) No.

6773 of 2014 challenging the same, filed by certain other persons were dismissed. In the Special Leave Petition preferred against the same, *status quo* was granted initially on 27.2.2015. The Appellant thereafter preferred Writ Petition (S) No. 788 of 2015. The writ petition was disposed on 19.3.2015 to abide by the final orders that would be passed in the Special Leave Petition. Pursuant to the same, the Appellant was permitted to continue as Assistant Block Education Officer in officiating capacity. Subsequently, on 7.9.2015, the Supreme Court modified the order of *status quo* confining it to seven Petitioners with an observation that they would not be reverted during the pendency of the Special Leave Petition. In view of the order dated 19.3.2015, the Appellant is entitled to similar relief as granted by the Supreme Court and the order dated 26.9.2015 reverting him to the post of Lecturer is unjustified.

3. Learned Counsel for the State has opposed the writ appeal submitting that the order of the Learned Single Judge calls for no interference.

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

5. The controversy relates to the Chhattisgarh School Education (Gazetted) Service Recruitment Rules, 2009 providing for 100% direct recruitment to the post of Assistant Block Education Officer in contradistinction to the reservation of 10% posts for promotion to the post of Assistant Block Education Officer earlier. The writ petitions were dismissed. In the Special Leave Petition preferred against the same *status quo* was granted on 27.2.2015. On 19.3.2015, we disposed the earlier writ petition of the Appellant to abide by the final orders in the Special Leave Petition. Subsequently, on 7.9.2015, the Supreme Court modified the interim order noticing that there were only seven Petitioners before it, granted liberty to the State to fill-up the remaining posts except seven with regard to the Petitioners before it preventing their reversion

only till disposal of the Special Leave Petition.

6. We are of the considered opinion that by reason of the order dated 7.9.2015 passed by the Supreme Court modifying its earlier order of *status quo*, our order dated 19.3.2015 with regard to the Appellant has become infructuous. No fault can be found against the order dated 26.9.2015 passed pursuant to the order of the Supreme Court dated 7.9.2015. If a superior Court has specifically confined relief to the seven Petitioners before it and granted express liberty to the State to make appointments on the remaining posts, it shall be an act of judicial impropriety and discipline on our part to overreach the orders of the Supreme Court.

7. The writ appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE