

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3813 of 2015**

1. Rajkumar Banjare S/o Late Shri Santu Ram Banjare, Aged About 48 Years R/o Village Post Pamgarh, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh
2. Samelal Porte, S/o Late Shri Kejuram Porte, Aged About 54 Years R/o Village Post Masturi, Tahsil Masturi, District Bilaspur Chhattisgarh
3. Ashok Jatwar, S/o S. Jatwar, Aged About 54 Years C/o D.N. Bhargawa, W.W.S. 106, Mahrana, Pratap Nagar, Ghantaghar, Korba, District Korba Chhattisgarh
4. B.P. Singh, S/o Awadhnath Singh, Aged About 52 Years R/o Village Post Saragaon, District Janjagir Champa Chhattisgarh
5. Bhagwat Singh Paikra, S/o Bhanwar Singh Paikra, Aged About 50 Years R/o Singhula Post Kanhar, Shivrinarayan District Janjgir Champa Chhattisgarh
6. D.K. Chaturvedi, S/o Saheb Lal Chaturvedi, Aged About 57 Years Chandaniya Para Janjgir District Janjgir Champa Chhattisgarh
7. Shri Roshan Nemi, S/o Gajanan Lal Nemi, Aged About 54 Years, Janjgir, District Janjgir Champa Chhattisgarh
8. Shri V.S. Parihar, S/o R.K. Singh Parihar, Aged About 52 Years, Jagdalla, Champa District Janjgir Champa Chhattisgarh
9. Shri Prayag Lal Nag, S/o Panchu Ram Nagar, Aged About 57 Years, Q No. C 4, Sai Dham, Torwa, District Bilaspur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Govt. Of Chhattisgarh Mahanadi Bhavan, P.O. Rakhi, Naya Raipur District Raipur Chhattisgarh
2. Directorate Of Public Instructions Through Director Public Instructions Chhattisgarh, Indrawati Bhawan, P.O. Rakhi, Naya Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Animesh Verma, 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**27/10/2015**

1. Heard Learned Counsel for the Petitioners and the Additional Advocate General on behalf of the State.
2. The controversy revolves around the amendment of Chhattisgarh School Education (Gazetted) Rules, 2009 reserving 100% posts by direct recruitment

on the post of Assistant Block Education Officer in lieu of earlier 10% quota for promotion from Block Education Officers.

3. Earlier, we have dismissed Writ Petition (S) No. 6759 of 2014 and Writ Petition (S) No. 6733 of 2014 on 29.1.2015 against which Special Leave Petition No. 7617 of 2015 has been preferred. Originally, the Supreme Court granted order status quo on 27.2.2015. Subsequently, on 7.9.2015, the order of status quo has been modified as confined to the seven Petitioners before the Supreme Court only granting liberty to the State for filling up the remaining vacancies, 265 in all.

4. Learned Counsel for the Petitioners submits that similar interim relief may be granted to the Petitioners by reserving posts for them subject to outcome of the Special Leave Petition.

5. Learned Additional Advocate General submits that the Petitioners have filed this writ application much belatedly on 14.10.2015 seeking to take advantage of the orders of the Supreme Court which cannot be granted to them in the facts and circumstances of the case.

6. Only yesterday, we have disposed several writ petitions of similar nature observing that once a superior court has passed an order limited in its nature, it would be an act of judicial impropriety and indiscipline on our part to pass any order to overreach the orders of the Supreme Court dated 7.9.2015. The Petitioners clearly fall in the category of a fence sitter waiting and watching the outcome of litigation filed by others to jump into the fray to take advantage of the interim order passed by the Supreme Court.

7. The writ petition is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE