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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 229 /2015

PETITIONER:

Ku. Richa Garg, D/o-S.K.Garg, aged about 26 years, posted as Teacher (Panchayat) at Government Girls Middle School Deori; R/o F-S 9, Vijayapuram, Seepat Road, Bilaspur, P.S. Sarkanda, District Baloda Bazar-Bhatapara (C.G.)

wp (S) 229/15
No. 1598/15
Presented by Shri. Mahesh Singh
Dated 22/1/15

VERSUS

RESPONDENTS:

1. State of Chhattisgarh, through its Secretary, Department of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Collector, Baloda Bazar-Bhatapara, District Baloda Bazar-Bhatapara (C.G.)
3. The Project Director, Rajeev Gandhi Shiksha Mission, District Baloda Bazar-Bhatapara (C.G.)
4. The Block Education Officer, Bhatapara, District Baloda Bazar-Bhatapara (C.G.)

**PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA
FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS
AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND
DIRECTIONS**



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HIGH COURT OF CHHATTISGARH AT BILASPUR

SB: Hon'ble Shri Justice Pritinker Diwaker

Writ Petition (S) No. 229 of 2015

PETITIONER

Ku. Richa Garg

VERSUS

RESPONDENTS

State of Chhattisgarh and
another

Shri Mateen Siddiqui, counsel for the petitioner.

Shri Majid Ali, P.L. for the State.

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA**

**ORDER
(27.01.2015)**

With the consent of learned counsel for the parties, the matter is heard finally.

Challenge in the writ petition is to the order dated 29.12.2014 (Annexure P-1), passed by the Project Director (respondent No.3) attaching the services of the petitioner from Government Girls Middle School, Deori to Kasturba Gandhi Balika Vidyalaya, Bhatapara.

Counsel for the petitioner submits that the petitioner is the only English teacher at Deori and if she is compelled to move out from her present place of posting, education of about 165 students would be adversely affected. He submits that considering this aspect of the case, Head Master of the school has also sent a letter to the Block Education Officer to look into the matter. He also submits that the attachment is completely banned by the State Government and on this count also the order impugned is bad. He further submits that purpose of filing this writ petition would be served, if at this stage he may be permitted to withdraw the writ petition with liberty to file a detailed representation before the Collector, Bhatapara (respondent No.2) and in turn the Collector may be directed to decide the same expeditiously. He submits that till the representation is decided, the petitioner may be allowed to perform her duties at the present place of posting.

While opposing the writ petition, counsel for the State submits that the order impugned appears to have been issued on the administrative exigency



and attachment can always be passed if administrative exigency so requires. He, however, no objection if the representation of the petitioner is decided by the Collector considering all aspects of the case.

In the aforesaid view of the matter, the writ petition is dismissed as withdrawn with the aforesaid liberty. In the eventuality of the petitioner filing a representation before the Collector, Bhatapara detailing her grievances therein along with a copy of this order and writ petition, within a week from today, the Collector is expected to decide the same strictly in accordance with law considering all the aspects of the case within a further period of three weeks. However, the petitioner shall be allowed to perform her duties at the present place of posting for a period of four weeks from today.

It is made clear that this Court has not made any observation on the merits of the case and the Collector would be at liberty to pass the order strictly in accordance with law.

Sd/-
Pritinker Diwakar
Judge