

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3203 of 2009**

- Smt. Kunjlina Gajbhiye W/o Shri Roop Ram Gajbhiye Assistant Teacher Dr. Baldeo Prasad Mishra Higher Secondary School (Middle Section) Basantpur, Rajnandgaon (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh, School Education Department, Through The Secretary, D.K.S. Bhawan, Raipur, (C. G.)
2. District Education Officer, Rajnandgaon, Distt. Rajnandgaon (C. G.)
3. Principal Higher Secondary School, Basantpur, Rajnandgaon (C. G.)
4. Smt. Chandrika Sharma, Aged About 40 Years Upper Division Teacher, Doctor Baldeo Prasad Mishra, Higher Secondary School (Middle Section) Basantpur, Rajnandgaon (C. G.)

---- Respondents

For Petitioner:

None.

For State:

Mr. Y.S. Thakur, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04.08.2016**

1. The limited prayer raised by the Petitioner through the present Writ Petition is that the Petitioner was promoted vide Order dated 26.08.2008 from the post of assistant Teacher to the Post of Upper Division Teacher. According to the Petitioner though she was promoted on 26.08.2008, the Respondents are not allowing her to join to the post of Upper Division Teacher nor the Respondents are taking works of the Upper Division Teacher from her.

2. At this juncture, so far as order dated 26.08.2008 is concerned, learned State Counsel submits that the order has now become of an academic interest only, for the reason that subsequent to the filing of

the Petition, the promotion order granted to the Petitioner on 26.08.2008 has been canceled vide Annexure R/3 dated 26.08.2009.

3. Learned State Counsel submits that since subsequent to the order passed, the substantive right of promotion order has been cancelled. The relief sought for by the Petitioner cannot be granted any further. If she is still aggrieved she would have to challenge the cancellation of the promotion order, Annexure/3.

4. The objection so raised by the learned State Counsel appears to be valid and justified, in the peculiar facts and circumstances of the case, this Court does not find ground to entertain the Petition any further for the relief as sought for by the Petitioner.

5. Accordingly, the Petition stands dismissed, reserving right of the Petitioner to challenge the subsequent cancellation of promotion order if she so desires.

Sd/-
(P. Sam Koshy)
JUDGE