

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 196 of 2016**

Dilip Singh Bais S/o Late Shri Shankar Dayal Singh Bais, aged about 54 years, Upper Division Teacher, Govt. Middle School, Shandi, Block Khairagarh, District Rajnandgaon, Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department, Mahanadi Bhawan, New Raipur, Chhattisgarh, PS Rakhi
2. Director of Public Instructions, State of Chhattisgarh, Directorate Building, New Raipur, Chhattisgarh, P.S. Rakhi
3. District Education Officer, Rajnandgaon, Chhattisgarh
4. Block Education Officer, Khairagarh, District Rajnandgaon, Chhattisgarh

---- Respondents

For Appellant	:	Shri B. D. Badgayan, Advocate
For Respondents/State	:	Shri U. N. S. Deo, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice P. Sam Koshy****Order On Board****22.04.2016**

The Writ Appeal is barred by 5 days.

2. After hearing learned counsel for the parties, we are of the opinion that the delay has been properly explained. The delay in filing the appeal being bona fide, the same is condoned.

3. The learned Single Judge, while dismissing the writ petition, had observed that the petitioner's promotion has not been cancelled and still he is holding the post of Upper Division Teacher and only change of posting has been cancelled, therefore, there is no jurisdictional error in the impugned order.

4. Learned counsel for the Appellant would submit that in fact, the appellant has been demoted from the post of Upper Division Teacher to the post of Assistant Teacher and has been sent to some other school vide order dated 27.11.2015.

5. A reading of the order dated 27.11.2015 would clearly indicate that the petitioner on being promoted as Upper Division Teacher was posted at Middle School, Salgapath, Block Khairagarh. However, the said posting has been changed to Middle School, Sandi in the same Block. There is nothing in this order to indicate that the petitioner's promotion has been cancelled.

6. Having heard learned counsel for the parties, this Court would not take any different view of the matter than the one which has been taken by the learned Single Judge.

7. Consequently, the Writ Appeal being devoid of substance is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
P. Sam Koshy
Judge