

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1904 of 2016

- Smt. Anita Bhor W/o Shri Dharmendra Bhor, Aged About 51 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Thakur Pyare Lal, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 1905 of 2016

- Rajendra Lal Yadav, S/o Late Shri Durga Prasad Yadav, Aged About 56 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Sarve Das, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 1906 of 2016

- Amitabh Saxena, S/o Shri Shanker Sahay Saxena, Aged About 47 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Bhanpuri, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 1907 of 2016

- Smt. Shaheen Begum W/o Shri Mohd. Ziyauddin, Aged About 53 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Rangakathera, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 1775 of 2016

- Ajay Kumar Sarva, S/o Late Shri Bisahu Lal, Aged About 40 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Karamtara, Block Dongargaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 1807 of 2016

- Suresh Jain, S/o Late Shri Heeralal Jain, Aged About 52 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Mohad, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)

2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 1798 of 2016

- Lomesh Kumar Deshmukh, S/o Shri Chintaram Deshmukh, Aged About 51 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Kopedih, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

WPS No. 1796 of 2016

- Murli Prasad Baghel, S/o late Shri Dwarka Prasad Baghel, Aged About 51 Years, Presently Posted and Working as Upper Division Teacher, Government Middle School, Rangakathera, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

And

WPS No. 1707 of 2016

- Kamal Narayan Singh, S/o late Shri N.S. Thakur, Aged About 41 Years, Presently Posted and Working as Upper Division Teacher, Girls

Government Middle School, Stationpara, Block Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through the Secretary, School Education Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, New Raipur (Chhattisgarh)
3. The District Education Officer, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- **Respondents**

Appearance	:	
For the Petitioners	:	Ms. Sharmila Singhai, Advocate
For the Respondents/State	:	Shri S. Khakhariya, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order on Board

17-05-2016

1. As all the above mentioned writ petitions arise out of the same impugned orders, they are being heard analogously and disposed of by this common order.
2. The petitioners are aggrieved by the impugned order dated 26-04-2016 whereby the Director, Public Instruction (Chhattisgarh) has rejected the representations preferred by them against the order dated 27-11-2015.
3. It appears that the petitioners were promoted from the post of Assistant Teacher to the post of Upper Division Teachers and thereafter, a counselling was convened for posting of the petitioners on the promoted posts. Initially, the petitioners were proposed to be posted at different places. However, the District Education Officer, Rajnandgaon amended the posting order on 07-09-2015 by

entertaining the representations filed by the petitioners. Since the said consideration of the representation was contrary to the place of posting assigned to the petitioners in the counselling, the Director, Public Instructions issued a communication on 26-11-2015 for cancelling the order dated 07-09-2015 and sending the petitioners to the original places allotted to them pursuant to the counselling. The District Education Officer thereafter, passed the order on 27-11-2015 to cancel the earlier order dated 07-09-2015.

4. Challenging the order dated 27-11-2015, the petitioners had preferred writ petitions. One such writ petition being W.P.(S) No.4772 of 2015 was disposed of on 21-12-2015. Instead of assailing the order dated 27-11-2015 on merits, the petitioners sought permission of the Court to submit representation before the Director, Public Instructions. This Court thereafter, disposed of the petition without expressing any opinion on merits of the case.
5. Petitioners' representations have now been rejected by the impugned order.
6. The impugned order passed by the Director, Public Instructions is a detailed and reasoned order mentioning that the earlier posting was made on 26-08-2015 after the counselling, therefore, allowing representations by the District Education Officer to change the place of posting was contrary to the spirit of counselling.
7. Even otherwise, the posting pursuant to the counselling was in the same District. It is not a case where the petitioners are sent to far away places. The impugned order and the first posting order dated 26-08-2015 was an administrative exercise by the District Education Officer pursuant to counselling, therefore, this Court would not sit over

the same as an appellate Court when the matter pertains to only place of posting and it does not involve any civil consequence.

8. For the aforesaid reasons, the writ petitions are dismissed.

Sd/-

(**Prashant Kumar Mishra**)
Vacation Judge