

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2192 of 2016

Sarika Banjare W/o K.K. Banjare, Aged About 44 Years At Present Posted At Block Education Office, Bilha, District Bilaspur (Chhattisgarh) R/o. Shiv Prem Bhawan, Ayappa Mandir Road, Bhartiya Nagar, Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary Department Of Urban Development, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Municipal Corporation, Bilaspur (Chhattisgarh)
3. District Education Officer, Bilaspur, District Bilaspur (Chhattisgarh)
4. Block Education Officer, Bilha, District Bilaspur (Chhattisgarh)
5. Education Officer, Municipal Corporation, Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Smt. Hamida Siddiqui, Advocate
For Respondents No. 1, 3 & 4/State	:	Shri S.P. Kale, Dy. A.G.
For Respondents No. 2 & 5	:	Shri Anumeh Shrivastava, Advocate

District Education Officer, Bilaspur as well as Education Officer, Municipal Corporation, Bilaspur are also present in the Court.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/07/2016

1. Learned counsel for the petitioner submits that presently, an order has now been passed on 5.7.2016 by which the petitioner has been allowed to join in the Khapargunj school pursuant to her promotion.
2. Learned counsel for the State under instructions of the District Education Officer, Bilaspur submits that by the time the promotion order of the petitioner was issued, the vacancy was already filled-up by posting of another teacher by

the State official under rationalization.

3. The Municipal Corporation has not withdrawn the promotion order of the petitioner till date. For the time being a posting has been provided to the petitioner. As long as the promotion order stands, the petitioner is entitled to proper posting at any vacant post of teacher.
4. The petitioner has been promoted within the jurisdiction of the Municipal Corporation. The vacancy position shall be assessed by the Corporation and proper posting may be provided to the petitioner.
5. This order shall not come in the way of the State in making their own arrangements of posting upon rationalization. It is expected that the State Authority, the District Education Officer, Bilaspur and the Municipal Corporation, Bilaspur shall act in due and proper coordination and as far as possible, all attempts may be made to provide proper posting to the petitioner as she has been promoted to a higher post.
6. The petitioner's claim for salary from the date of the promotion order till her joining, is kept open for consideration. As and when a regular posting is given to the petitioner, this issue may be considered by the Municipal Corporation in the future.
7. Learned counsel for the State prays for liberty to take decision, in exercise of its statutory power under the Municipal Corporation Act.
8. No such liberty is necessary.
9. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge