

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6305 of 2016

- Laxmi Thakur W/o. Arjun Singh Thakur, Aged About 51 Years Posted As Upper Division Teacher At Government Pre Middle School Aundhi, Block Manpur, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Scheduled Tribe And Scheduled Caste Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur (Chhattisgarh)
2. Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
3. District Education Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anup Mazumdar, Advocate
For State / Respondents	:	Mr. Chandresh Shrivastava, Panel Lawyer on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/11/2016

1. The petitioner has challenged the order dated 24.10.2016 (Annexure P-1) and order dated 26.10.2016 (Annexure P-2), by which the petitioner has been firstly relieved from the assigns and duties of Hostel Superintendent and thereafter posted in Government Middle School, Limo, Block – Chhuikhadan.
2. Learned counsel for the petitioner submits that while the petitioner was continuing as Assistant Teacher in Girls Hostel, Aundhi, he was handed over the charge of Hostel Superintendent in the same Hostel at Aundhi, thereafter, the petitioner was promoted vide order dated 19.12.1008 as Upper Division Teacher and posted in Middle School, Aundhi. However, while the petitioner continued to hold the charge of the Office of Superintendent of the Girls Hostel at Aundhi, in course of time, another promotion order was passed and the petitioner was promoted as Lecturer and she was continuing as Lecturer (History), but the promotion has not been given effect to and the petitioner, in addition of discharging duties as Hostel Superintendent at Aundhi, is also teaching as Upper Division Teacher in Middle School, Aundhi

and getting salary of the post of Upper Division Teacher. Therefore, in these circumstances, even if, in exigencies of service, it was decided to relieve the petitioner from the duty of Hostel Superintendent, Girls Hostel, Aundhi, the petitioner should have been allowed to continue in Middle School, Aundhi as Assistant Teacher.

The other submission is that the petitioner is an employee in the Tribal Department and therefore the petitioner could not be transferred to the school under Education Department. Therefore, for that reason, the order of District Education Officer, Rajnandgaon passed on 26.10.2016 is bad in law.

3. Order dated 26.10.2016 of the District Education Officer, Rajnandgaon shows that the petitioner has been posted in Government Pre-Middle School, Limo as Lecturer (History) for the purpose of teaching. However, taking into consideration that the petitioner challenges the order on the ground that the petitioner could not be sent to School of the Education Department, the District Education Officer, Rajnandgaon shall consider this aspect to find out whether the petitioner could be posted in any Tribal School unless there is contrary instruction of the State Government. The decision should be taken within a period of four weeks. The posting of petitioner at Government Pre-Middle School, Limo as Lecturer (History) shall be subject to such modification as may be considered by the District Education Officer, Rajnandgaon. As far as the order dated 24.10.2016 by which the petitioner has been relieved from duties of the Girls Hostel, Aundhi, no interference is warranted.
4. Till District Education Officer, Rajnandgaon takes appropriate decision, the petitioner shall be allowed to continue as Upper Division Teacher in Government Middle School, Aundhi. This order should not be treated as allowing the petitioner to work as Hostel Superintendent in Girls Hostel at Aundhi.
5. With this observation/direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge