

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3739 of 2010

1. Santosh Kumar Sonwani, son of Shri B. P. Sonwani, aged about 42 years, presently posted as Upper Divisional Teacher, Girls Middle School, Pangaon, Baloda Bazar, Education District Baloda Bazar, District Raipur, Chhattisgarh
2. Sunil Tiwari, S/o Late Shri Ravi Shankar Tiwari, aged about 39 years, presently posted as Upper Divisional Teacher, Boys Middle School, Pangaon, Baloda Bazar, Education District Baloda Bazar, Distt.-Raipur (Cg)

---- Petitioner

Versus

1. State Of Chhattisgarh, through the Secretary, Department of School Education, Mantralaya, D. K. S. Bhawan, Raipur, Chhattisgarh
3. District Education Officer, Education District Baloda Bazar, Govt. Higher Secondary School, Baloda Bazar, Distt.-Raipur (Cg)

---- Respondents

For Petitioners	Shri Amrito Das, Advocate
For Respondent-State	Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

06/11/2017

1. Challenge in this petition is to the advertisement issued by the District Education Officer, Baloda Bazar for holding the limited competitive examination for recruitment of Head Masters in the Department of School Education on the basis

of the provisions contained in the Chhattisgarh School Education Gazetted Service (School Level Service) Recruitment and Promotion Rules, 2008.

2. The challenge is thrown on the ground that the requirement of having 3 years experience in the feeder post has been done away with by amendment made to the Rules vide Annexure-P-3 dated 21.04.2010, yet the advertisement issued by the District Education Officer has required 3 years experience in the feeder cadre as one of the necessary qualification.
3. By interim order dated 23.07.2010, this Court observed that in case, any selection is made during this period, the same shall be subject to final decision of this petition. On 28.07.2010, the State counsel informed the Court that on 27.07.2017, the respondent No.2 has issued an order staying the entire process of selection until further orders. This Court thereafter disposed of I.A. No.1, application for grant of ad interim relief reserving liberty in favour of petitioners to revive, if occasion arises. On 09.09.2010, this Court again restrained the respondents from conducting any such departmental examination which contravenes the Rules. The said order is still continuing.
4. It appears, during the last 7 years, when this petition has remained pending, the petitioners as well as other similarly placed teachers have become eligible for appointment to the

post, but because of the interim order, the process of promotion has been stayed, which is not benefiting anyone, therefore, at the request of both the parties, the writ petition is disposed of with direction that the respondents shall proceed to make promotion on the post of Head Master strictly in accordance with the subject statutory Rules, which governs the promotion.

Sd/-

Judge

Prashant Kumar Mishra

Nirala