

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1874 of 2017

- Yashwant Baghel S/o Late Kawal Singh Baghel, Aged About 47 Years, Occupation : Shikshak Panchayat, R/o Jadapadar, Post Jidar, Block Mainpur, District Gariyaband, PS Mainpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, New Mantralaya, New Raipur (Chhattisgarh)
2. District Mission Co-ordinator, Rajiv Gandhi Shiksha Mission District Gariyaband (Chhattisgarh)
3. Enquiry Officer Cum Block Development Education Officer, District Gariyaband (Chhattisgarh)

---- Respondents

For Petitioner	Shri S. K. Soni, Advocate
For Respondent-State	Shri Satish Gupta, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/04/2017

1. Petitioner is aggrieved by the order (Annexure-P-6), whereby the District Mission Coordinator, Rajeev Gandhi Shiksha Mission, Gariyaband has repatriated the petitioner to his original post of Teacher (Panchayat) at Middle School, Bhatigarh.
2. The petitioner was sent on deputation to work as Cluster Coordinator by order dated 21.07.2015. The said order was not for any particular term but it was made effective only till further

orders.

3. It is argued that the petitioner made inspection of several schools and found that some teachers are not attending duties, therefore, he recommended action against them, upon which the Block Education Officer has issued show cause notice to them, therefore, all those teachers formed a group to make complaint against the petitioner and the present impugned order is a result of the said complaint, which has been acted upon by the District Mission Coordinator without giving any opportunity of hearing to the petitioner.
4. Although, learned counsel for the petitioner has filed some orders in support of his above stated arguments, however, the impugned order (Annexure-P-6) would not refer to any such complaint so that it can be inferred that the complaints made by the teachers were made basis for the petitioner's repatriation to his original post of Teacher (Panchayat).
5. In view of the settled legal position that the deputationist has no right to continue on deputation unless the term of deputation is fixed and further that in appropriate cases, the deputationist can be repatriated even before completion of term when administrative exigency exists, this Court does not find any good ground to interfere with the impugned order, which is purely administrative in nature without casting any stigma on the petitioner.
6. Shri Soni, learned counsel for the petitioner has also argued that the impugned order is stigmatic, therefore, it may affect

petitioner's service or his reputation. Since complaint against the petitioner has not been referred in the order, there is no stigma attached with the said order nor the petitioner should feel that his reputation has been tarnished because of the impugned order. The impugned order is a purely administrative exercise and there is no stigma against the petitioner.

7. Accordingly, the writ petition is dismissed, subject however to the above observation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala