

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 2187 of 2017**

- Smt. Ritu Singh Tomar W/o Rohit Singh Tomar Aged About 43 Years Posted as Lecturer (Panchayat), High School, Asola, Block- Ambikapur, District- Surguja, Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, Police Station Rakhi, District- Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat, Surguja (Ambikapur), District Surguja, Chhattisgarh.

**---- Respondent**

**And**

**WPS No. 2191 Of 2017**

- Smt. Niraj Yadav W/o Shri Vinod Kumar Yadav, Aged About 34 Years, Posted as Lecturer (Panchayat), Government Higher Secondary School, Lamgaon, Block- Lundra, District- Surguja, Chhattisgarh.

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through The Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, New Raipur, Police Station- Rakhi, District- Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat, Surguja (Ambikapur), District Surguja, Chhattisgarh.

**---- Respondent**

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For Petitioners

Shri Rahul Mishra, Advocate

For Respondent-State

Shri S. P. Kale, Dy. AG

Shri Anurag Pandey, CEO, Zila Panchayat,  
Ambikapur is present.

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**18/05/2017**

1. Shri Anurag Pandey, CEO, Jila Panchayat, Ambikapur was summoned to explain the circumstances, under which the previous order dated 20.02.2015 was modified after about 2 years and thereafter what occasioned cancellation of the modified order on 27.04.2017 (Annexure-P-1).
2. The CEO would explain before the Court that the promotion and consequent posting made on 20.02.2015 was not followed or complied with by certain teachers (panchayat), as it was affecting their place of posting. Since they wanted to remain posted near Ambikapur town, they kept on making representations to the previous CEO, who did not pass any order for about one and half year, however, when he was transferred, at the fag end, just before his relieving, notesheets were prepared, wherein the order of modification of posting has been made, which was issued from the office after the previous CEO was relieved on 27.03.2017. He would also explain that the modified order was never brought to the notice of the General Administration Committee of the Jila Panchayat, under whose approval, the previous posting order was issued on 20.02.2015, therefore, as soon as this defect in procedure was brought to his notice, he issued the impugned order canceling the modified order to keep intact the previous order dated 20.02.2015.
3. Considering the explanation offered by the CEO, Jila Panchayat, Ambikapur and after hearing Shri Rahul Mishra, learned counsel

for the petitioners and Shri S. P. Kale, learned Dy. Advocate General, it appears, the impugned order has been issued to correct the mistake and for giving effect to previous order, which was issued under approval from the General Administration Committee of the Jila Panchayat. There is no malice or arbitrariness on the part of the CEO, Jila Panchayat, Ambikapur to cancel the modified order, therefore, the whole exercise being purely administrative in nature, no interference with the order is called for.

4. Even if the modified order is executed, but since there appears arbitrary, whimsical and tainted exercise of power by the previous CEO who has issued the modified order, therefore, it is the duty of the writ Court to allow the authorities to correct a mistake which has stemmed out from arbitrary, if not corrupt, exercise of power.
5. For the foregoing, there is no substance in the writ petitions, they deserve to be and are hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala