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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2340 of 2017**

- Buland Patel S/o Rohit Kumar Patel, Aged About 33 Years Working As Teacher (Panchayat) At Teacher Panchayat Office Of Zila Panchayat, Raigarh, District- Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Raigarh, District- Raigarh Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Surguja, District- Surguja Chhattisgarh.
4. Block Education Officer, Sitapur, District- Surguja Chhattisgarh.

---- Respondent

For Petitioner
For Respondent /State

Mr. R.S. Patel, Advocate
Mr. Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****18/5/2017**

1. heard.
2. Learned counsel for the petitioner would submit that by order dated 31.3.2017, the petitioner was transferred on mutual basis from Middle School, Bhawradand, Block Sitapur, District Surguja to Government Middle School, Rumkela, Block Gharghoda, District Raigarh. However, by the impugned order, the petitioner has been refused joining at the transferred place even though

the order dated 31.3.2017 has not been expressly cancelled in the impugned order.

3. A perusal of the order dated 31.3.2017 would reveal that the said order has been issued by the Jila Panchayat, Sarguja pursuant to the No Objection Certificate issued by Jila Panchayat, Raigarh on 20.5.2016 -Annexure P/3. Therefore, the authority who is competent to cancel the order is Jila Panchayat, Sarguja and not Zila Panchayat, Raigarh, who is not the signatory to the earlier order.
4. Once the order has been passed by the Jila Panchayat, Sarguja under NOC issued from Jila Panchayat, Raigarh, the said NOC cannot be withdrawn unilaterally on the basis of any subsequent developments, if the post is lying vacant and the petitioner has, in fact, carried out the earlier order by joining at Jila Panchayat, Raigarh on 11.4.2017
5. Considering the entire facts' situation of the case, the writ petition is allowed at the admission stage and the impugned order is set-aside.
6. The petitioner is allowed to continue at Government Middle School, Rumkela, Block Gharghoda, District Raigarh.

Sd/-

Judge

(Prashant Kumar Mishra)

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