

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4248 of 2017

- Ganesh Ram Rajput S/o Shri Sauranv Ram Rajpur Aged About 61 Years Working As Block Education Officer, Katghora, District- Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Tribes And Scheduled Caste Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
3. Collector Korba, District Korba, Chhattisgarh
4. Shri Tameshwar Prasad Upadhyay, Posted As Principal, Government Higher Secondary School, Salka, Block Premnagar, District Surajpur, Chhattisgarh

---- Respondent

And

WPS No. 5379 Of 2017

- Tameshwar Prasad Upadhyay, S/o Bhagat Prasad, Aged About 45 Years, Working As Block Education Officer At Katghora, District Korba Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Scheduled Caste And Scheduled Tribal Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Secretary, Department Of School Education Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh.
3. Collector, Korba District Korba Chhattisgarh

4. Geneshram Rajput, Working As Principal, At Aklavya Sayukta Higher Secondary School, Chhurikala, Block Katghora, District Korba Chhattisgarh

---- Respondents

For Ganesh Ram Rajput	Shri Jitendra Pali, Advocate
For Tameshwar Prasad Upadhyay	Shri K. R. Nair and Shri Ajay Shrivastava, Advocates
For Respondent-State	Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

02/11/2017

1. By order impugned in WPS No.4248/2017, the respondent No.4 Tameshwar Prasad Upadhyay has been transferred as Principal, Government Higher Secondary School, Salka, Prem Nagar, District Surajpur to Katghora, District Korba as Block Education Officer.
2. The petitioner Ganesh Ram Rajput is presently working as Block Education Officer, Katghora and by the impugned order, he has also been transferred to the Office of District Education Officer, Korba. The petitioner Ganesh Ram Rajput has prayed for quashing the impugned order in respect to the transfer of respondent No.4 Tameshwar Prasad Upadhyay. By amending the petition, he has also prayed for quashment of another order issued on 14.08.2017, whereby the petitioner has been

transferred to Korba at the option of District Education Officer, Korba.

3. The main ground of challenge raised by the petitioner Ganesh Ram Rajput is that the respondent No.4 Tameshwar Prasad Upadhyay is not having the requisite qualification or eligibility to occupy the position of Block Education Officer.
4. By interim order dated 14.09.2017 passed in WPS No.4248/2017, this Court has allowed the petitioner Ganesh Ram Rajput to work at his present place of posting.
5. Considering the nature of grievance raised in the writ petitions, it would be appropriate if the matter is considered by the State Government, who has issued both the impugned orders. Therefore, let the petitioner in WPS No.4248/2017 prefer a detailed representation within a period of 4 weeks from today and thereafter the State Government shall consider and decide the representation at the earliest, preferably next 8 weeks, after providing opportunity of hearing to the petitioner Tameshwar Prasad Upadhyay.
6. The interim order passed by this Court in WPS No.4248/2017 in respect of petitioner Ganesh Ram Rajput shall continue till the State Government decides the representation or for a total period of 12 weeks, whichever is earlier.
7. Accordingly, both the writ petitions are disposed of in the above stated terms.

8. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order as opinion on the merits of the case.

Sd/-

Judge

Prashant Kumar Mishra

Nirala