

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4563 of 2017

- Jitendra Kumar Tonde, S/o Shri Jawahar Lal Tonde, Aged About 46 Years, Occupation Service, Post-Lecturer -Sanskrit, R/o Near Middle School Firangipara, Kota, Block & Police Station Kota, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Education Department, Mahanadi Bhawan, New Raipur, Raipur Chhattisgarh.
2. The Director Public Instruction Chhattisgarh Indrawati Bhawan, Part III - First Floor, New Raipur, Chhattisgarh.
3. The District Education Officer, Bilaspur, District Bilaspur Chhattisgarh.
4. The Principal, Government Higher Secondary School Shivtarai, Block Kota, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	Shri Rakesh Pandey, Advocate
For Respondent-State	Shri Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/11/2017

1. By order dated 19.06.2017, the petitioner was transferred from Government Middle School, Changori, Bilaspur to Government Higher Secondary School, Hardi, Khenktara, Lormi, District Mungeli. By another order dated 05.08.2017, the petitioner was again transferred from Hardi to Government Higher Secondary School, Shivtarai, Kota, District Bilaspur. The petitioner got

himself relieved from Hardi on 14.08.2017 and submitted joining before the District Education Officer, Bilaspur on 16.08.2017. However, the District Education Officer, Bilaspur has passed the present impugned order on 14.08.2017 stating that post of Lecturer (Sanskrit) is not vacant at Shivtarai and there are surplus lecturers in the District, therefore, the petitioner may be posted in some other district.

2. Referring to the circular (Annexure-P-9) issued by the Principal, Government Higher Secondary School, Shivtarai, Bilaspur, it is argued that as on 20.06.2017, post of Lecturer (Sanskrit) was vacant at Shivtarai and to the best of knowledge of the petitioner, the said post is still vacant, therefore, there is no difficulty to allow the petitioner to join at Shivtarai.
3. Considering the fact that the order posting the petitioner at Shivtarai is passed by the State Government and according to the petitioner, post of Lecturer (Sanskrit) is still vacant at Shivatari, the writ petition is disposed of with direction that in the event, the post of Lecturer (Sanskrit) is still vacant at Shivtarai, the petitioner shall be allowed to join. This joining shall remain subject to any order which may be passed by the State Government pursuant to the DEO Bilaspur's letter (Annexure-P-1).
4. Learned counsel for the petitioner would also submit that without there being any fault of the petitioner, he has been deprived salary since after 14.08.2017.

5. Let the petitioner move representation before the Director, Public Instruction claiming salary from 14.08.2014 onwards. The Director, Public Instruction shall decide the representation in consultation with the DEO, Mungeli and DEO, Bilaspur.

Sd/-

Judge

Prashant Kumar Mishra

Nirala