

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4565 of 2017

- Smt. Usha Sonale W/o H. L. Sonale, Aged About 45 Years Occupation Service, Post Lecturer Sanskrit, R/o In Front of Balmukund School, Talapara, Bilaspur, 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 Sirgitti, Bilaspur, 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, Sirgitti to Government Higher Secondary School, Daupara, District Mungeli. The petitioner went to join at Mungeli, where the Principal, Daupara School informed that post of Lecturer (Sanskrit) is not vacant. Vide order dated 05.08.2017, the previous order was amended and the petitioner

was transferred from Government Higher Secondary School, Daupara, District Mungeli to Government Upgraded High School, Jarhabhatha, District Bilaspur. Now, the District Education Officer, Bilaspur has passed the present impugned order dated 14.08.2017 (Annexure-P-1) stating that post of Lecturer (Sanskrit) is not vacant at Jarhabhatha, Bilaspur and there are surplus lecturers in the District, therefore, the petitioner may be posted in some other district.

2. Referring to the documents (Annexure-P-7 & P-8) issued by the Principal, Government Higher Secondary School, Shivtarai, Bilaspur and Government Higher Secondary School, Khongsara, Kota, Bilaspur, respectively, it is argued that as on 20.06.2017, post of Lecturer (Sanskrit) was vacant at Shivtarai and Kota 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 or Kota.
3. Considering the fact that the post of Lecturer (Sanskrit) is still vacant at Shivatari and Kota, the writ petition is disposed of with direction that in the event, the post of Lecturer (Sanskrit) is still vacant at Shivtarai or Kota, 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).

Sd/-
Judge
Prashant Kumar Mishra

Nirala