

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 47 of 2017**

Teshwar Kumar Verma S/o Late Shri Rajeshwar Ji Verma Aged About 55  
Years Udt, (C.A.C.- Culuster Jepra), Block Charama, District- Kanker,  
Chhattisgarh **---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through- The Secretary, School Education  
Department, Mahanadi Bhavan, P.S. Rakhi, New Raipur, Chhattisgarh
2. Collector And Mission Director, Rajiv Gandhi Shikchha Mission, Uttar Bastar,  
Kanker, P.S. Kanker, District Kanker Chhattisgarh
3. Mission Director, Rajya Pariyojana Office, Rajiv Gandhi Sikchha Mission,  
Raipur, P.S. Raipur, District Raipur Chhattisgarh
4. District Education Officer, North Bastar, Kanker, P.S. Kanker, District Kanker  
Chhattisgarh
5. Jageshwar Singh Undarkar, Sankul Samanwayak, Sankul Kendra, Jeparu  
Block Charama, District- Kanker, Chhattisgarh

**---- Respondents**

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| For Petitioner       | : | Shri B.D. Badgaiyan, Advocate |
| For Respondent/State | : | Shri B. Gop Kumar, Dy. A.G.   |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**05/01/2017**

Heard.

1. The petitioner has assailed correctness and validity of order dated 23.08.2016 by which he has been sent back to his original place of posting in Middle School Harahula. The order is being assailed on the ground that the District Education Officer without jurisdiction has passed the order.
2. It is further submitted that earlier the Collector and Mission Director, Rajiv Gandhi Shikchha Mission, South Bastar, Kanker earlier passed the order dated

17.06.2010 assigning the duties of cluster coordinator and it is the only Collector who could have passed the order. It is further submitted that as the post of cluster coordinator carries higher pay scale, impugned order amounts to reversion.

3. The submissions made by learned counsel for the petitioner are utterly misconceived in law. The petitioner was assigned duties as cluster coordinator whereas his substantive post is that of Assistant Teacher, which is clear from order dated 17.06.2010. By the impugned order, the petitioner is being sent back to his original place of posting as Assistant Teacher only. There is no material placed on record to show that the post of Cluster Coordinator, in the hierarchy of post of School Education Department is a post carrying higher pay scale. Moreover, the order dated 17.06.2010 was passed by the Collector in his capacity as Project Director of Rajiv Gandhi Shiksha Mission, South Bastar, Kanker. The impugned order has also been passed by the District Education Officer upon due approval of the District Project Coordinator. The petitioner has not placed on record any document to show that the order passed by the District Education Officer is without jurisdiction.

4. There is yet another reason to dismiss the petition. The petitioner was transferred vide order dated 23.08.2016 to his original place of posting. The petitioner did not comply with the order, therefore, he was suspended on 17.10.2016 till that time, the petitioner neither challenged the transfer order nor the suspension order. The petitioner admitted his mistake which led to issuance of an order of revocation of suspension on 08.12.2016. It is only after that the petitioner has filed this petition. Therefore, the conduct of the petitioner amounts to acquiescence in the order dated 23.08.2016 and the right, if any, to challenge the order also appears to have been waived by such conduct.

5. For the aforesaid reasons, I do not find any merit and the petition is dismissed.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
Judge