

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 797 of 2017

Lekhram Yadav S/o Ramratan Yadav, Aged About 50 Years Working As Assistant Teacher, Presently Posted At Govt. Primary School, Vrindavan Malhar, District Bilaspur (Chhattisgarh), R/o Village And Post Masturi, Tahsil Masturi, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. The Commissioner, Adim Jati Evam Anusuchit Jati Vikash Vibhag, Raipur, Mahanadi Bhavan, Naya Raipur, District Raipur (Chhattisgarh)
3. Director Public Instructions, Raipur, District Raipur (Chhattisgarh)
4. District Education Officer, Bilaspur, District Bilaspur (Chhattisgarh)
5. Block Education Officer, Masturi, District Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 798 of 2017

Ganesh Prasad Sharma S/o Shri Kaushal Prasad Sharma, Aged About 57 Years Working As Assistant Teacher, Presently Posted At Govt. Primary School, Malhar, District Bilaspur (Chhattisgarh), R/o Village And Post Nariyara, Police Station Mulmula, Tahsil Akaltara, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. The Commissioner, Adim Jati Evam Anusuchit Jati Vikash Vibhag, Raipur, Mahanadi Bhavan, Naya Raipur, District Raipur (Chhattisgarh)
3. Director, Public Instructions, Raipur District Raipur (Chhattisgarh)
4. District Education Officer, Bilaspur, District Bilaspur (Chhattisgarh)
5. Block Education Officer, Masturi, District Bilaspur (Chhattisgarh)

---- Respondents

Shri Pushpendra Kumar Patel, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/02/2017

In these cases, as the challenge has been made to the impugned order mainly on the ground that the petitioners originally belong to Tribal Department, the State counsel was directed to seek instructions whether transfer and posting of the petitioners could be done by the District Education Officer, Bilaspur, Chhattisgarh.

2. Today, learned State counsel has placed on record circular dated 10/03/2015 which clearly provides all administrative control of teachers belonging to 'A' category as well as 'B' category to the School Education Department. It clearly shows that teaching and non-teaching staff of Tribal Department shall be subject to School Education Department. Therefore, I am of the view that the impugned order does not suffers from any lack of jurisdiction. No case of interference with the impugned order is made out.

3. Both the petitions are accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge