

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1418 of 2017**

N. R. Kurre S/o. Late Kartik Ram Kurre, aged about 56 years, Presently working as Principal, Govt. Boys Higher Secondary School, Chuikhadaan, Distt. Rajnandgaon (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Director, Public Administrations, Directorate of Education, Indrawati Bhawan, Naya Raipur, (Chhattisgarh)
3. Collector, District Raigarh (Chhattisgarh).
4. District Education Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
5. Shankar Baskale, Enquiry Officer, Principal Govt. Girls Hr. Sec. School, Lalbahadur Nagar Dongargadh, District Rajnandgaon (Chhattisgarh)
6. Ramavtar Sahu, Enquiry Officer, Principal B. T. I. Dongargadh, District Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Shushil Dubey, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/03/2017**

The present petition has been preferred challenging the order dated 14.03.2017 whereby the District Education Officer, Rajnandgaon has passed an order directing the petitioner to report for duty at the Office of the District Education Officer, Rajnandgaon.

2. The case of the petitioner in brief is that he has been working as Principal at Government Boys Higher Secondary School, Chuikhadaan, District Rajnandgaon (CG) since 2008 onwards. On 30.07.2016, the School Education Department, Government of Chhattisgarh issued an order of transfer pertaining to 137 Principals working in the Education Department. However, in the said order

of transfer, the name of the petitioner appeared at two places, one at serial no. 94 transferring him from Government Boys Higher Secondary School, Chuikhadaan to the Office of District Education Officer, Rajnandgaon on administrative exigency and the other at serial no.107 showing transfer from Government Boys Higher Secondary School, Chuikhadaan to the Office of the Block Education Officer, Chuikhadaan, District Rajnandgaon.

3. The petitioner challenged the said order dated 30.07.2016 in a writ petition i.e. Writ Petition (S) No. 3993 of 2016. The said writ petition was ultimately disposed of on 23.08.2016 wherein the writ Court had directed that unless a clear direction in writing is given to the petitioner with regard to his place of posting, no coercive steps shall be taken against the petitioner. By virtue of the said order, the petitioner continued his service at Government Boys Higher Secondary School, Chuikhadaan. Subsequently, the impugned order dated 14.03.2017 has been passed by the District Education Officer, Rajnandgaon directing the petitioner to report for duty at the Office of the DEO, Rajnandgaon. This order dated 14.03.2017 is being presumed to be an order of transfer which is under challenge before this Court.

4. Counsel for the petitioner submits that the DEO, Rajnandgaon is not the competent Authority to pass such an order as the petitioner is holding the rank of Principal against whom any order of transfer and posting could be issued by the State Govt. not by the DEO. It is contended by the counsel for the petitioner that the High Court in WPS No. 3993/2016 had already given a clear interim protection and unless a fresh order of transfer notifying the place of posting is passed, the status of the petitioner cannot be disturbed by the DEO. He submits that the petitioner has made a representation to the higher Authority in the Department which is pending and the same may be considered by the Competent Authority expeditiously so as to resolve the grievance of the petitioner.

5. This Court at this juncture is not inclined to keep the petition pending. However, it is made clear that in the order of transfer dated 30.07.2016 which

was put to challenge in WPS No.3993/2016 the petitioner has been shown at two different places i.e. at serial Nos. 94 and 107. The said order of transfer has been passed by the State Level Officer, under Secretary, therefore, any modification in the said order as per the direction given by the writ Court in WPS No. 3993/2016 can be made only by the State Govt. and it cannot be by the District Education Officer i.e. one of the Offices at which the petitioner has been transferred.

6. Thus, the respondents 1 & 2 are directed to take a decision in this regard within a period of 30 days from today deciding as to what should be the place of posting of the petitioner as per the discrepancy detected in the order dated 30.07.2016 wherein the name of the petitioner has been reflected at two places i.e. at serial Nos.94 and 107.

7. Meanwhile, status quo as it exists today in respect of the petitioner regarding his place of posting shall be maintained till the order is passed by the respondents 1 & 2 as per the directions given by the Writ Court in WPS No. 3993/2016.

**Sd/-
(P. Sam Koshy)
JUDGE**