

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6632 of 2016

1. Tarachand Bhoi S/o Panchram, Aged About 59 Years Occupation Service, Working As Principal, At Govt. Higher Secondary School Sapos, Block Dabhra, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, Public Instruction, Raipur, District Raipur, (Chhattisgarh)

---- Respondent

For Petitioner

Shri V.K. Sharma, Advocate

For Respondent/State

Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/04/2017

1. Petitioner would submit that he is working on the post of Principal, Higher Secondary School, but by the impugned transfer order dated 30-7-2016 he has been transferred to a High School.
2. Learned counsel for the State would submit that the post of Principal, Higher Secondary School and Principal, High School belong to one and the same cadre and the posting is interchangeable. He would submit that since the transfer order was passed almost 9 months back, no interference can be made at this stage because both the posts belong to one cadre.
3. Countering the aforesaid submission of the learned State counsel, learned counsel appearing for the petitioner would submit that the State

Government issued promotion order from the post of Principal, High School carrying the pay scale of Rs.6500-10500 to the post of Principal, Higher Secondary School carrying pay scale of Rs.8000-13500 and, as such, both the posts are separate and having different pay scale.

4. In view of the submission made by the learned counsel for the parties, the writ petition is disposed with a direction to the petitioner to submit fresh representation within one month from today and the concerned competent authority shall consider and decide the same as early as possible preferably within a period of two months.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the representation, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge
Prashant Kumar Mishra

Gowri