

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 83 of 2018

- Vijay Kumar Upadhyay S/o Late M. L. Upadhyay, Aged About 61 Years, Working on the post of Assistant Project Officer, Rajiv Gandhi Shiksha Mission, District Janjgir, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary School Education Department, Secretariat, Mahanadi Bhawan, New Raipur, Police Station Rakhi, P.O. Rakhi, District Raipur, Chhattisgarh, Pin 492002
2. Director, Directorate Of Public Education, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Managing Director, State Secondary School Mission, Ekikrit Bhawan, New Raipur, District Raipur, Chhattisgarh
4. Collector, Janjgir Champa, District Janjgir Champa, Chhattisgarh
5. District Education Officer, Janjgir Champa, District Janjgir Champa, Chhattisgarh

---- Respondents

For Appellant	Shri R. K. Jha, Advocate
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For Respondent-State	Shri U. N. S. Deo, GA
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Hon'ble the Chief Justice Mr. Ajay Kumar Tripathi

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

26/07/2018

1. Heard counsel for the appellant and counsel for the State.
2. The learned Single Judge had dismissed the writ petition vide order dated 09.01.2018 refusing to interfere with the order of repatriation of the appellant to his substantive post since he was

on deputation.

3. Argument was made that a kind of stigma was created against the present appellant, because allegations with regard to the manner in which computers were being compelled to be purchased at the instance of the appellant emerged. It is said that certain enquiry was also held and the Authorities felt that it is not in the interest of the establishment to continue with the services of the deputationist.
4. So far as the stigma part is concerned, that is neither here nor there, but a deputationist cannot have a right to continue on deputation as is the settled law by the Hon'ble Supreme Court in the case of **Kunad Nanda vs Union of India and another**, reported in (2000) 5 SCC 362.
5. The appeal has no merit. It is accordingly dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge