

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 1624 OF 2011**

1. Vasudev Pandey S/o ML Pandey, aged about 33 years, present posted as Shiksha Karmi Grade II , R/o Qr. No. C-1, Shriram Parisar, Shanti Nagar, Bilaspur (CG).
2. Sanjay Upadhayay S/o Kashi Prasad Upadhayay, aged about 34 years, R/o Infront of BRC, Pandariya Road Mungeli Distt. Bilaspur (CG).

...Petitioner(s)**Versus**

1. State Of Chhattisgarh through the Secretary, School Education Department, Mantraya Raipur (CG).
2. Director Public Instructions Directorate Raipur (CG).
3. District Education Officer Bilaspur Distt. Bilaspur (CG).
4. Block Education Officer Mungeli Distt. Bilaspur (CG).
5. Block Education Officer Bilha, Distt. Bilaspur (CG).

... Respondent(s)

For Petitioners	:	Shri Amrito Das, Advocate.
For Respondent-State	:	Smt. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25.07.2018**

1. The challenge in the present writ petition is to the order dated 22.11.2010 (Annexure P/1) whereby the petitioners who were initially promoted on the post of Headmaster, Primary School, had been called back by the District Education Officer and the petitioners have been posted to the Schools where they were posted prior to the issuance of the order of promotion dated 08.11.2010.
2. The brief facts in nutshell is that the respondents conducted a limited departmental examination for promotion to the post of Headmaster from the departmental candidates in the year, 2010. The petitioners along with other similarly placed persons were found selected and select list was published on 08.11.2010 (Annexure P/3). The select list dated 08.11.2010 itself showed the place of posting of the selected

candidates on the post of Headmaster, Primary School. The petitioners herein were posted as Headmaster in the different Schools in Bilaspur. On 22.11.2010 abruptly the impugned order was passed recalling the petitioners from their place of posting on the promoted post to their previous school where they were posted prior to issuance of the order dated 08.11.2010.

3. That, from the contents of the impugned order it appears that the petitioners promotion on the post of Headmaster was recalled on the ground that there was some anomaly in preparation of the select list so far as following roster system is concerned and the department intended to issue a fresh select list in accordance with the roster. After passing of the said order, the petitioners have gone back to their original place of posting and their they have been asked to discharge the duties of Shiksha Karmi Grade II i.e. the post on which they were teaching prior to issuance of the order dated 08.11.2010.
4. The respondents have filed reply on 12.10.2011 wherein the only ground raised by the respondents was that since the respondents found some error in the preparation of select list in as much as the roster has not been followed, led to the issuance of impugned order. Later on, the respondents on 13.01.2012 again filed an affidavit of the District Education Officer, Bilaspur, who again in his affidavit has stated that the department found an error in following the roster while preparing the select list on 08.11.2010 and therefore with an intention of issuing a fresh select list, the impugned order was passed. However, whether revised select list has since been published or not has not been disclosed by the respondents. Neither do they have any instructions in this regard till date.

5. There is a categorical averment made by the petitioners that the impugned order was implemented only so far as candidates posted in district Bilaspur whereas, the other candidates who were given promotion from the same order and posted to different place outside Bilaspur, their position has not been disturbed and the selected candidates are still discharging their duties as Headmaster, Primary School since 2010 itself. It is only the petitioners whose promotion have been recalled and sent back to their previous place of posting.
6. Under the circumstances, this court is constrained to pass an order protecting the interest of the petitioners to the extent that unless the respondents issue a fresh select list, if not published till date, following the roster, the petitioners shall be forthwith sent back on the promoted post and place of posting as per the select list dated 08.11.2010.
7. Needless to mention that since the other promoted employees along with the petitioners have been continuously discharging their duties of Headmaster without being adversely affected by the order dated 22.11.2010 (as has been averred by the petitioners), the petitioners would also be entitled for all the consequential benefits of Headmaster of Primary School w.e.f. November, 2010 onwards till date, unless it is a case of the respondents that they have already revised the select list and the petitioners do not find place in the fresh select list and others selected along with the petitioners have also been rearranged.
8. The writ petition is accordingly stands allowed in terms of the direction given above.

Sd/-
(P. Sam Koshy)
Judge