

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 144 of 2018

- Smt. Devki Agrawal W/o Shri Kailash Prasad Agrawal, Aged About 58 Years Presently Working As Principal Govt. Girls Higher Secondary School, Sarkanda, Bilaspur (As W P (S) Govt. H.S.S. Baimanagoi), District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. Smt. Archana Banerjee W/o Mr. S. Banerjee, Aged About 61 Years Occupation Principal Government Girls Higher Secondary School, Sarkanda, And District Bilaspur Chhattisgarh
2. State Of Chhattisgarh, Through Principal Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur Chhattisgarh.....(Res No. 1)
3. Under Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur Chhattisgarh.....(Res No. 2)
4. District Education Officer, Bilaspur, District Bilaspur Chhattisgarh. (Res No. 3)

---- Respondents

For Appellant	: Dr NK Shukla, Senior Advocate with Shri RS Patel, Advocate
For State	: Shri RK Gupta, Deputy Advocate General
For Respondent- 1	: Shri Manoj Paranjape, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

07.03.2018

1) We have heard the learned Senior counsel for the appellant, the learned Deputy Advocate General, the learned counsel for contesting respondent- 1 (Writ Petitioner).

2) Through this appeal presented on 22.02.2018, an interlocutory order issued by the learned Single Judge on 30.01.2018 is under challenge. The plea on which this Writ Appeal was filed is that the order that was impugned in the Writ Petition was given effect to at least two months before the institution of the Writ Petition and therefore, there was situation to grant an order of stay of that order which, according to the appellant, had already worked itself out by discharge and performance. This is a plea that can be very well raised before the learned Single Judge, particularly when the Writ Petition is pending. This is not a matter on which an intra Court appeal deserves to be entertained under Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006.

3) In the result, this Writ Appeal is dismissed without prejudice to all other rights, if any, of the appellant, in accordance with law.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge