

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3271 of 2018**

Rampal Swarnkar S/o Lakhan Lal Swarnkar, Aged About 62 Years
Posted As a Principal, Public Higher Secondary School, Tarra, Patan
District Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh.
2. Director, Public Education Directorate, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. District Education Officer, District Durg Chhattisgarh.
4. President, Gram Shiksha Samiti, Tarra, District Durg Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Shikhar Bakhtiyar, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/04/2018**

1. The relief sought for by the petitioner in the present writ petition is for a direction the respondents/State to consider the case of the petitioner for reappointment for the academic year 2018-19 as the Principal of the Public Higher Secondary School, Tarra, a Government aided school in District Durg, Chhattisgarh.
2. The counsel for the petitioner submits that the respondent no.4 had in fact recommended the case of the petitioner for extension for one year, but the respondent/State has refused to accept the same vide order dated 31.03.2018.
3. Perusal of the record would show that the scheme for grant of extension for one year has been introduced by the State Government

in respect of teachers working in a Government and aided school taking into consideration the short fall of the number of trained teachers, but it does not reflect that it would be also applicable for the Principal of a private aided school. Moreover the said extension is a matter which is a discretionary power, which has been given to the State Government and the same cannot be sought for by a particular person as a matter of right, who stands superannuated.

4. In the instant case, the petitioner otherwise also was working only in an aided institution and the State Government vide Annexure P/6 dated 31.06.2018 has permitted the said aided institution, if they require may grant extension to the petitioner, but the State as such would not provide financial aid to the petitioner after the age of superannuation.
5. Given the aforesaid facts, this Court does not find any enforceable right being created in favour of the petitioner or any indefeasible right which has been denied by the respondents/State. This Court would not come in the way of the respondents in exercising their discretionary power in the factual matrix of the case.
6. The writ petition thus being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge