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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4996 of 2018**

Mrs. Manorama Bauddh W/o Shri Rajendra Kumar Bauddh, Aged About 48 Years, Lecturer, Govt. Girls H. S. S. Lohandiguda, Block Lohandiguda, District Bastar, Chhattisgarh,

---- Petitioner**Versus**

1. The State of Chhattisgarh through Secretary, School Education Department, Naya Raipur, District Raipur, Chhattisgarh
2. District Education Officer, Bastar, District Jagdalpur, Bastar, Chhattisgarh
3. Smt. Lalita Mandavi, Lecturer, In Charge, Govt. Girls H. S. S. Lohandiguda, Block Lohandiguda, District Bastar, Chhattisgarh

---- Respondents

For Petitioner : Shri Parag Kotecha, Advocate
 For Respondent/State : Shri S. P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.08.2018**

The grievance of the petitioner is that while working as Incharge Principal of Govt. Girls Higher Secondary School, Lohandiguda, Block Lohandiguda, District Bastar, the petitioner took leave w.e.f. 16.01.2018 on account of some serious ailment of her son. Subsequently, when the petitioner reported for joining on 1st of March, 2018, the petitioner was permitted to resume her duties. However, the charges of the Principal was not given to the petitioner and now vide impugned order dated 02.07.2018, the petitioner has been made Incharge Principal of Govt. Boys Higher Secondary School Lohandiguda, Block Lohandiguda District Bastar.

2. Counsel for the petitioner submits that the impugned order dated 02.07.2018 is bad in law for the reason that the petitioner in fact was Incharge Principal of Girls Higher Secondary School and respondent no.3 is junior to the petitioner, therefore, the moment petitioner resumed her duties, the charge should have been given back to the petitioner and having not done so, the authorities have shown an act of arbitrariness. It is further contended by the counsel for the petitioner that the impugned order now appears to be an order of attachment which again is not permissible as there is a total ban on attachment to be made of Govt. employees.

3. Having heard the contention put forth by the counsel for the petitioner what clearly reflects from the records available with the writ petition is that the sole grievance of the petitioner seems to be of not getting the charge of Principal of Govt. Girls Higher Secondary School, Lohandiguda. The impugned order shows that the petitioner in fact has been made Incharge Principal of Boys Higher Secondary School, Lohandiguda. The two schools situate at the same location and that there is no shifting of the petitioner from one place to another by implementation of the impugned order. Moreover, there is also no curtailment of any of emoluments or benefits which the petitioner was getting as Incharge Principal of Girls Higher Secondary School, Lohandiguda than what would be paid to the petitioner in case if she assumes the charge of Incharge Principal of Boys Higher Secondary School Lohandiguda. The petitioner, in the opinion of this Court, cannot as a matter of right, claim for being declared as Incharge Principle of one particular school alone. It is always the prerogative of the State Govt. to decide and post a person at a particular place. The order impugned also is not one which could be brought within the ambit of an

order of transfer. Admittedly respondent no.3 was made Incharge Principal on the petitioner's proceeding on long leave. After she resumed charges, if the respondents have taken a decision of making her Principal of a nearby school, the same by itself cannot be said to be an action contrary to the rule or in-violation of the service condition of the petitioner.

4. The writ petition thus being devoid of merit deserves to be and is accordingly dismissed. However, if the petitioner makes a representation to the Higher Authority in respect of her grievances, respondent no.2 shall take appropriate measure in this regard in accordance with the law.

**Sd/-
P. Sam Koshy
Judge**