

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2504 of 2018**

- Smt. Lateshwari Karsh W/o Shri Suraj Prakash Karsh Aged About 33 Years Presently Working As Assistant Teacher (Panchayat) At Government Primary School, Jadapadar, Block Mainpur, District Gariyaband Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Collector, District Gariyaband Chhattisgarh
2. The Sub Divisional Officer (Revenue) Deobhog, District Gariyaband, Chhattisgarh
3. The Project Officer, Integrated Tribal Development Project, Gariyaband, District Gariyaband, Chhattisgarh
4. Tahsildar, Manipur, District Gariyaband, Chhattisgarh
5. The Block Education Officer, Mainpur, District Gariyaband, Chhattisgarh
6. Shri Akshay Kumar Sahu, Teacher (Panchayat) Grade-II, Government Pre- Middle School, Themli, Block Mainpur, District Gariyaband, Chhattisgarh

---- Respondents

For Petitioner	Shri M. K. Jaiswal, Advocate
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For Respondent-State	Shri P. K. Bhaduri, GA
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Hon'ble Justice Mr. Prashant Kumar Mishra**Order On Board****12/09/2018**

1. The Tehsildar, Mainpur, District Gariyaband has passed the impugned order directing the petitioner to vacate government

quarter No.1, which is allegedly unauthorizedly possessed by the petitioner. It is argued that the petitioner's father H. R. Nirmalkar was allotted the said quarter while he was serving as Headmaster at the time of his retirement, therefore, by virtue of Rule 7 & 20 of the Shaskiya Aawas Avantan Niyam, 2000, the petitioner is entitled to preference in the matter of allotment of quarter, therefore, the petitioner cannot be treated as unauthorized occupant till her application is pending consideration before the Project Administrator, Integrated Tribal Development Project, District Gariyaband.

2. Perusal of the papers attached to the writ petition would indicate that the subject quarter possessed by the petitioner's father at the time of his retirement has now been allotted to respondent No.6, Shri Akshay Kumar Sahu, Teacher (Panchayat) Grade-II on 15.02.2017, but since the accommodation is occupied by the petitioner, the impugned order has been issued directing her to vacate the quarter.
3. Considering the fact that the petitioner's application for allotment is pending before the Project Administrator, the respondent No.3, the writ petition is disposed of with direction that the said Authority shall consider and decide petitioner's application for allotment in accordance with the extant Rules within a period of 6 weeks from today.
4. Since the respondent No.6 is the present allottee of government quarter No.1 by order (Annexure-P-7), the respondent No.3 shall also hear the respondent No.6 before taking decision on

petitioner's application.

5. For a period of 6 weeks from today, the effect and operation of the impugned order shall remain in abeyance.
6. The writ petition stands disposed of.

Sd/-

Prashant Kumar Mishra
Judge

Nirala