

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 6078 OF 2018**

R.L. Manhar, S/o Late Shri T.R. Manhar, aged about 52 years, Deputy Principal, (Incharge Principal), Government Gurukul School, Pendra Road, District Bilaspur (CG), R/o Qr. No. G-7, Gurukul Government Quarter, Pendra Road, Tahsil Gourela, District Bilaspur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through- the Secretary, Department of School Education (Cadre-T), Mahanadi, Mantralaya, Naya Raipur, Post Office & Police Station, Naya Raipur, District Raipur (CG)
2. Director, Directorate of Public Instructions, Indrawati Bhawan, Naya Raipur, Post Office & Police Station, Naya Raipur, District Raipur (CG)
3. Collector, Bilaspur (CG)
4. District Education Officer, Bilaspur (CG)
5. K.B. Dixit, Deputy Principal Government Gurukul School, Pendra Road, District Bilaspur (CG)

... Respondents

For Petitioner	:	Mr. K.K. Singh, Advocate.
For Respondents-State	:	Mr. R.K. Gupta, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/09/2018**

1. It appears that the petitioner is more aggrieved by the impugned order dated 30.8.2018, Annexure P-1, whereby the respondent no.5 has been made as the In-charge Principal with the administrative and financial powers for the Government Gurukul School, Pendra Road, District Bilaspur.
2. The sole contention of the petitioner is that the petitioner is senior to respondent no.5 and that the petitioner was already working at the Government Gurukul School, Pendra Rod, Bilaspur as the Vice Principal and after the retirement of the earlier regular Principal, the petitioner was exercising the drawing and disbursement powers till the order, Annexure P-1, has been passed.
3. He further submits that by the impugned order the respondents have placed the respondent no.5, who is the junior to the petitioner, with the charge of Principal as also with administrative and financial powers which would create an embarrassing position to the petitioner. He refers to the

government instructions in this regard, Annexure P-5, dated 4.8.2011, whereby it has been decided as a policy matter by the Government to ensure that on a post getting vacant, the next senior most person in the department should be made In-charge.

4. Given the aforesaid factual matrix of the case, this Court does not intend to keep the petition pending, rather, ends of justice would meet if the petitioner is made to make another representation within 10 days, in addition to what he has already made on 5.9.2018, apprising respondent no.1 in respect of his grievances along with all supportive documents. On such representation, the respondent authorities would take a decision within 45 days from the date of receipt of the representation, keeping in view the government instructions as also the inter se seniority between the petitioner and respondent no.5 in mind.

5. Till then, let status quo as it exists today be maintained. That is to say that, in case, if the impugned order, Annexure P-1, has not been acted upon it shall not be acted upon till the representation of the petitioner is decided.

6. Needless to mention that, in case, if the petitioner fails to make his representation within 10 days, the order passed by this Court would loose its efficacy.

7. The writ petition accordingly stands disposed of with the aforesaid observations.

Sd/-
(P. Sam Koshy)
Judge