

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7196 of 2018**

Vedram Patre S/o Jagat Ram Patre, Aged About 46 Years, Presently Posted As In-Charge Principal At Government Higher Secondary School Damapur Bazar, Block Pandriya, R/o Ward No. 11, Bairag Para, Pandriya, District- Kabirdham, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Collector, Kabirdham, District- Kabirdham, Chhattisgarh
3. District Education Officer, Kabirdham, District- Kabirdham, Chhattisgarh
4. Block Education Officer, Pandriya, District- Kabirdham, Chhattisgarh
5. Jinendra Kumar Ratnakar Lecturer (Panchayat) Government Higher Secondary School, Damapur(Bazar), Block Pandriya, District- Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For State	:	Shri S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30.10.2018**

1. The dispute in the present writ petition is to the order dated 27.09.2018 whereby respondent no.5 has been ordered to be placed

as In-charge Principal at the place of petitioner and that the petitioner vide the said order of respondent no.3 has been posted at a different place.

2. Counsel for the petitioner submits that the impugned order has been passed only to accommodate respondent no.5 and that under the rules governing the field, preference/priority would have to be given to a Lecturer of the School Education Department over a claim of the Lecturer of Panchayat Department. It is the further contention of the counsel for the petitioner that the said arrangement, on an earlier occasion was passed at the intervention of this Court in WP No. 49/2018 on 05.01.2018 and the matter was sent to the State Govt. for fresh order to be passed keeping in view the circular of the State Govt. in this regard. The State Govt. subsequently vide its order dated 27.01.2008 had rectified their error and posted the petitioner back at the same place and the petitioner had been discharging his duties uninterruptedly till the impugned order was passed. According to the petitioner, it is a case where respondent no.3 has now passed an order which he could not have otherwise passed in the light of the order of this Court in WPS No. 49/2018 and thus what cannot be done directly can also not be done indirectly. Therefore, the impugned order is bad to that extent and it is also bad for the reason that it has been passed by the same authority and while passing the subsequent order and while doing so neither the order of this Court nor the circulars of the State Govt. has been referred.
3. State counsel, on the contrary, submits that it would not create a situation where the petitioner is being made to work under

respondent no.5. It is a case where the respondents have passed an order accommodating the petitioner as well as respondent no.5 at the respective places to avoid such an embarrassing position. Thus, it cannot be said to be in contravention to the direction given by the High Court or for that matter in violation of the circulars.

4. Given the aforesaid factual matrix, let the petitioner make a detail representation in this regard to respondent no.1 who in turn may look into the matter keeping in view the respective circulars of the State Govt. and pass an appropriate order at the earliest preferably within a period of 60 days from the date of receipt of certified copy of this order. Meanwhile, let status quo as it exists today be maintained.
5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge