

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8306 of 2018

Smt. Alpana Kanwar W/o Shri Hunendra Singh Kanwar, Aged About 41 Years Working As Lecturer And Posted At Govt. Higher Secondary School Nagarda, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. District Education Officer, Sakti, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Ravi Kumar Rathore, S/o Shri Firant Lal Rathore, Aged About 61 Years Lecturer, Psot At Govt. Higher Secondary School Nagarda, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

For petitioner	:	Shri V. K. Sharma, Advocate.
For State	:	Shri R. N. Pusty, GA
For Respondent/s	:	Shri G. L. Uike, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2018

1. The challenge in the present writ petition is to the order (Annexure P-1) whereby the respondent No. 2 has passed an order granting the charge of the Principal, Government Higher Secondary School Nargada, District Janjgir Champa.
2. The said impugned order has been passed in the light of the order passed by this Court in WPS No. 6492/2018 decided on 8/10/2018.
3. It would be relevant at this juncture to refer to the observations made by this Court while disposing off the aforesaid writ petition. For ready reference paragraph 4 of the said judgment is reproduced hereinunder.

“4.Given the facts and also taking note of the order of the District Education Officer, this Court is of the opinion that ends of justice would serve if the present writ petition is disposed off with a

direction to respondent No. 1 to take a prompt decision with regard to the dispute of allotment of charge of Principal and while deciding the same ensure that the circular of the State Government are strictly complied with and honoured so also the orders passed by the higher authorities in the department.”

4. From the plain reading of the aforesaid contents of the order of this Court, it clearly reflects that this Court specifically directed the authorities to resolve the dispute of handing over the charge of the Principal to a person who is senior most in the department. The petitioner apparently appears to be senior to the respondent No. 3, who was the petitioner in the earlier writ petition. The department ought to have been look for the senior most person available in the department before passing order Annexure (P-1). The documents show that the petitioner is senior. The petitioner for more than two years is working on the post of Lecturer in as much as the petitioner became the Lecturer in 2009 and respondent No. 3 became Lecturer in the year 2011. Thus, prima facie the petitioner seems to be the senior person. It appears that only because the respondent No. 3 had filed the writ petition, on the earlier occasion, the department has passed an order in his favour ignoring the seniority aspect and also without scrutinizing the fact that other senior most persons were available in the department or not.

5. Given the said facts, the said order does not seem to be proper, legal and justified.

6. Respondent No. 2 is further directed to reconsider the aspect and would ensure that the senior most person in the department is handed over the charge of Principal. After due verification respondent is expected to pass an appropriate order keeping in view the seniority of the interse seniority between the petitioner and respondent No. 3 and would also keep in mind the circulars and instructions in the department in respect of handing over the charge. Let this exercise be completed within a period of 60 days from the date of receipt of copy of this order.

It shall be responsibility of the petitioner to apprise the respondent No. 2 so far as the order passed by this Court is concerned.

7. The writ petition accordingly stands disposed off.

Rohit

Sd/-
(P. Sam Koshy)
JUDGE