

HIGH COURT OF CHHATTISGARH, BILASPUR**REVIEW PETITION NO.42 OF 2019**

1. Mata Rukhmani Sewa Sansthan Dimrapal Through The President Tahsil Jagdalpur, District Bastar, Chhattisgarh.
2. The Secretary Mata Rukhmani Sewa Sansthan, Dimrapal Tahsil Jagdalpur, District Bastar, Chhattisgarh.

...Petitioner(s)**Versus**

1. Jai Shankar Pandey S/o Late Shri Sakaldev Aged About 50 Years Upper Division Teacher, Mata Kasturba Kanya Ashram Bastar Block Bastar District Bastar, Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, School Education Department Scretariate, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. The Director Public Instructions Raipur District Raipur, Chhattisgarh.
4. The District Education Officer Jagdalpur, District Bastar, Chhattisgarh.
5. Smt. Somari Kashyap W/o Devi Singh Baghel Aged About 36 Years Incharge Headmistress (Ld.T.) Mata Kasturba, Kanya Ashram Bastar, District Bastar, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Prafull Bharat, Advocate.
For Respondent-State	:	Shri Saleem Kazi, Dy. Advocate General.
For Respondent No.1	:	Shri Ashok Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11.03.2019**

1. The present review petition has been filed seeking review of the order dated 04.12.2018 passed by this court in WPS No.7949 of 2018.
2. The review petition has been filed on the ground that in the garb of the order dated 04.12.2018 (the order against which the review petition has been filed) the respondent No.3 is insisting upon posting of the respondent No.1 as Incharge Headmaster of Mata Kasturba Kanya Ashram, Bastar. According to the petitioner, the difficulty that has arisen for filing of the review petition is that, in the course of insistence of the respondent No.3- Director, Public Instructions for posting the respondent No.1 as a Headmaster, the situation may arise where women girls hostel for the tribal dominated areas occupied mostly by the Tribals would be headed by

a male, which would thus be contrary to the general instructions issued by the State Government on 22.05.2017 wherein it has been held that all the girls hostels operated in the State of Chhattisgarh would be headed by a female employee/officer. It has been further clarified in the said circular itself that in the absence of a regular Superintendent, the hostel would be manned by a government female Teacher. Given the aforesaid factual position, the need for filing of the review petition has been arisen.

3. At this juncture, it would be relevant to take note of the operative part of the order dated 04.12.2018 passed in WPS No.7949 of 2019 which reads as under:

“3. Given the nature of dispute which has been raised by the petitioner and also taking note of the fact that the petitioner in the past has been given the charge, this Court is of the opinion that no fruitful purposes would be served in keeping the petition pending. Therefore, the petition is disposed off with direction to the respondent No.2, 3 & 4 to resolve the dispute keeping in mind the circulars of the State Government and an appropriate decision be taken at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. It would be the responsibility of the petitioner to apprise the respondents No.2, 3 & 4 so far as the order passed by this Court is concerned.”

4. A plain perusal of the aforesaid order would clearly reveal that this court infact had not issued any specific mandamus to the respondents. This court had only passed an order directing the respondents to ensure resolving of the dispute. Resolving of the dispute does not mean that the order has to be passed in favour of the respondent No.1. Neither was there any specific direction in this regard by this court while disposing of the writ petition.
5. What was meant by this court's order was that the respondents No.2,3&4 before the writ court were supposed to look into the grievance of the

petitioner and at the same time they were also supposed to take note of the government instructions and circulars issued from time to time in this regard and thereafter pass a suitable order.

6. In view of the same, the present review petition is being disposed of making it clear that this court had not given any express opinion so far as entitlement of the respondent No.1 on the said post is concerned. The respondent authorities of the State Govt. are supposed to take a decision keeping in view the entire factual matrix of the case and also the government circulars issued in this respect from time to time particularly pertaining to the women hostels being run in the State of Chhattisgarh.
7. The review petition accordingly stands disposed of with the aforesaid clarification.

Sd/-
(P. Sam Koshy)
Judge