

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 1435 of 2019**

Jageshwar Ram Sahu S/o Shri Kejau Ram Sahu Aged About 42 Years Presently Working As Incharge Head Master At Govt. Middle School, Pawantara, Cluster Incharge Pawantara Cluster, Block S. Lohara, District- Kabirdham, Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur, Chhattisgarh.
2. Mission Director Rajeev Gandhi Shiksha Mission, Raipur, District- Raipur, Chhattisgarh.
3. District Education Officer-Cum-District Project Coordinator Rajeev Gandhi Shiksha Mission, Kabirdham, District- Kabirdham, Chhattisgarh.
4. Block Education Officer Block S. Lohara, District Kabirdham, Chhattisgarh.
5. Durgesh Mehra Assistant Teacher (L.B.) Govt. Primary School, Bhendra, Block S. Lohara, District- Kabirdham, Chhattisgarh.

**---Respondents**

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Mr. C. Jayant K. Rao, Advocate |
| For State      | : | Mr. P. Acharya, Panel Lawyer   |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**06/03/2019**

1. The dispute raised by the petitioner in the present writ petition is that the petitioner has been working as a Cluster Incharge of Cluster Pawantara, Block S. Lohara, District Kabirdham since 2013.
2. According to the petitioner, he is fully eligible and competent to hold the post of a Cluster Incharge, however, the respondents have passed an order on 14.02.2019, appointing the respondent No.5 as a Cluster Incharge.

3. According to the petitioner, the respondent No.5 is not having the eligibility criteria for being appointed as a Cluster Incharge, in as much as the petitioner is substantially an Assistant Teacher (L.B.), and thus he does not have the requisite eligibility criteria, whereas the petitioner in the capacity of a Headmaster of the Govt. Middle School is fully eligible and competent and was also discharging the duties of a Cluster Incharge for last more than 6 years, thus the petitioner cannot be replaced by a person, who is not competent to hold that post.
4. Given the nature of dispute, let the matter be placed before the respondents No. 2 & 3 afresh, who in turn shall consider the rules, regulations and guidelines governing the field, so far as appointment of Cluster Incharge is concerned and would also verify, whether the respondent No.5 does have all the requisite criteria required for being appointed as a Cluster Incharge and an appropriate order be passed within a period of 60 days from the date of receipt of the copy of this order.
5. Meanwhile, since the petitioner submits that the order dated 14.02.2019 has not been acted upon, let status-quo as it exists today, be maintained, so far as the post of Cluster Incharge is concerned, till the decision is taken by the respondents No.2 & 3.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-  
**(P. Sam Koshy)**  
**Judge**