

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1421 OF 2019**

1. Smt. Saroj Bajpai W/o Shri Shilendra Bajpai Aged About 49 Years Advocate Occupation- Teacher, Presently Working As Upper Division Teacher, District- Library, Bilaspur, And Resident Of Bhatia Residency, Mangla Chowk, Bilaspur, Chhattisgarh.

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

1. State Of Chhattisgarh Through Secretary Department Of Public Education, Mantralaya, Naya Rapur, Chhattisgarh.
2. The Collector District- Bilaspur, Chhattisgarh.
3. The District Education Officer District- Bilaspur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri FS Khare, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27.02.2019**

1. Challenge in this petition is to the order dated 22.02.2019. By way of impugned order, the petitioner has been relieved to her original place of posting.
2. The contention of the petitioner is that, the petitioner on account of her health condition was attached to the District Library, Bilaspur on an order passed by the respondent No.2 vide order dated 16.10.2017 and after that the petitioner has been continuously discharging her duties on the said place till the impugned order has been passed.
3. The contention of the petitioner is that, before passing of the impugned order by the respondent No.3, the approval/permission from the Collector has not been obtained as the earlier order of attachment was issued by the Collector and the impugned order show that it is only an intimation to the Collector which has been forwarded.
4. The State counsel on the contrary submits that it is a case where the impugned order has been issued as per the instructions issued by the

Director, Public Education dated 08.02.2019 wherein the Director had issued instructions to relieve all those teachers to their original place of posting who have been assigned non teaching work.

5. Taking the aforesaid factual matrix of the case, this court is of the opinion that since the petitioner has been attached at present place of posting by the order passed by the respondent No.2-Collector, let the petitioner make a fresh representation to the respondent No.2&3 in this regard within a period of 10 days from today who in turn shall take a decision on the said representation within a further period of two months from the date of receipt of the representation of the petitioner.
6. As the petitioner has been working at the present place of posting for last two years and also taking note of the health condition as has been enumerated by the petitioner in her petition, it is ordered that till the respondents take a decision on the representation made by the petitioner, the petitioner would be permitted to continue at the present place of posting i.e. at District Library, Bilaspur.
7. It is made clear that any ex-parte relieving order issued shall also not be acted upon till the representation of the petitioner is decided.
8. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge