

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1645 of 2019

S. K. Dubey S/o Shri J.P. Dubey, Aged About 51 Years, Presently Posted As Principal, At Govt. Higher Secondary School, Umreli, District Korba Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Education, Mahanadi Bhawan, Atal Nagar, Mantralaya New Raipur, District Raipur Chhattisgarh.
2. District Education Officer, Korba, District Korba, Chhattisgarh.
3. Dhare Lal Divyakar, Working As Principal, At Govt. Higher Secondary School, Mayur Dongar, Kondagaon, District Kondagaon, Chhattisgarh.

---Respondents

For petitioner	:	Shri Ajay Shrivastava, Advocate.
For State	:	Shri P.Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/03/2019

1. The whole dispute in the instant Writ Petition is that, by way of an amendment to an earlier order dated 10/06/2018 the respondents have passed an order changing the place of posting of the respondent No.3 from Kondagaon to Korba (C.G.).
2. The difficulty which has arisen in the present case is that, the petitioner substantively is a "Principal" of the Government Higher Secondary School, Umreli, District Korba and it is here that the respondent No.3 is being sent by way of modified/amended order of transfer dated 25/02/2019.

3. According to the petitioner, though the respondent No.3 is being sent at his place, but there is no change of posting of the petitioner and thus the petitioner would find it hard to accommodate the respondent No.3 also at the same place unless the petitioner was given any other place.
4. The second ground raised by the counsel for the petitioner is that, the respondent No.3 is substantively an employee of the Tribal Welfare Department and the impugned order – Annexure-P/1 has been passed by the School Education Department. As such the authorities of the School Education Department lacks competence for issuance of such an order of transfer or place of posting so far as the respondent No.3 is concerned.
5. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation highlighting both these issues to the respondent No.1 within a period of 10 days from today and on such representation being made (within 10 days), the respondent No.1 shall pass an appropriate order in accordance with the rules and regulations governing the field particularly taking into consideration the fact that there is no change of posting of the petitioner given in the impugned order, moreover the respondent No.3 being an officer of the Tribal Welfare Department as alleged.
6. Let an order be passed by the respondent No.1 within an outer limit of 30 days from the date of receipt of representation of the petitioner.

7. Meanwhile, as an interim measure, since there is no change of posting of the petitioner given in the impugned order, let status-quo as it exists today be maintained till the representation of the petitioner is decided.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit