

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WA No. 166 of 2019**

- Smt. Radha Chouhan W/o Shri Gopi Ram Chouhan Aged About 52 Years Working As Block Coordination Person (B.R.P.) And Posted At Block Resource Centre Bamhanidih, District - Janjgir Champa Chhattisgarh

**---- Appellant**

**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh
2. Mission Director Rajiv Gandhi Shiksha Mission Raipur, District - Raipur Chhattisgarh
3. The Collector And Mission Director Rajiv Gandhi Shiksha Mission Janjgir Champa District - Janjgir Champa Chhattisgarh
4. The Collector And Mission Director Rajiv Gandhi Shiksha Mission Raigarh, District - Raigarh Chhattisgarh
5. The District Mission Coordinator Rajiv Gandhi Shiksha Mission, Janjgir, District - Janjgir Champa Chhattisgarh
6. The District Mission Coordinator Rajiv Gandhi Shiksha Mission, Raigarh, District - Raigarh Chhattisgarh
7. Hitendra / Hirendra Kumar Behar S/o Shri D P Behar Aged About 54 Years Working As B.R.P. (Contract) And Posted At Rajiv Gandhi Shiksha Mission District Office Janjgir, District - Janjgir Champa Chhattisgarh

**-----Respondents**

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For Appellant : Shri RS Patel, Advocate  
For Respondents/State : Shri RS Baghel, Dy AG  
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**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice &  
Hon'ble Shri Justice Parth Prateem Sahu  
Judgment on Board**

**Per Ajay Kumar Tripathi, Chief Justice  
25.03.2019**

1. Heard counsel for the appellant and State.
2. The order dated 14.08.2017 and the implementation thereof by posting respondent- 7 as a Block Resource Person (BRP) at Block-Baramkela became the cause of action for the appellant to file Writ

Application. The learned Single Judge dismissed the Writ Application vide order dated 15.02.2019 and therefore, the present appeal.

3. The submission that a contract employee does not have any right to be posted in a post and position which had the effect of reverting the present appellant to the post of Head Master is also a submission made before the learned Single Judge. The learned Single Judge had this to record in his order as below:

“6. What has to be understood is that the petitioner substantively was a Headmaster and was posted at the Govt. Middle School, Kotadabari. The post of Block Resource Person was an additional charge that the petitioner was having. What also is evident from the record that the respondent No.7 was already ordered to be posted as a Block Resource Person for Block Bamhanidih, even before the petitioner got an order in her favour as a Block Resource Person for Block Bamhanidih.

7. Since the order passed in favour of the respondent No.7 was not being implemented, the respondent No.7 had approached the High Court for its implementation and this Court had directed the respondent/State to take appropriate steps.

8. In the given factual background, if the respondent/State has passed an order granting joining to the petitioner as per the order dated 14.08.2017, the same cannot be said to be either bad in law or arbitrary. What also is apparent from the record is that the respondent No.7 even prior to the order dated 14.08.2017 was already working as a Block Resource Person at Block Baramkela, even if it was on contractual basis.

9. Subsequently, if there is a change of place of posting of the respondent No.7, the same by itself cannot be said to be bad in law or arbitrary. If the contractual employee in one district can be engaged for discharging the duties of a

Block Resource Person, the Government has all the rights to shift the person from one place to another also, even though the rules may be silent to that effect.

10. So far as the ground of the impugned order having being passed to accommodate the respondent No.7, the said ground may not be sustainable for the reason that the respondent No.7 had an order in his favour getting a posting at Bamhanidih much before the petitioner was given the charge of Block Resource Person at Bamhanidih."

4. In addition to the above, the learned Single Judge has also taken note of the fact that despite the order dated 14.08.2017 having been issued, the same was not being acted upon and therefore, respondent- 7 moved a Writ Application before the High Court. The said Writ Application was disposed off on 31.08.2018 directing the respondents to ensure that the order dated 14.08.2017 was complied with and implemented.

5. If by virtue of a direction issued by the writ Court, that order has stands implemented, the said order cannot be challenged in a *via media* way to overcome the said decision.

6. Even otherwise, the views expressed by the learned Single Judge as to the reasons, are not erroneous in any manner which require interference in appeal.

7. Writ Appeal stands dismissed.

Sd/-  
**(Ajay Kumar Tripathi)**  
Chief Justice

Sd/-  
**(Parth Prateem Sahu)**  
Judge