

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2019 of 2019**

Ramesh Kumar Markam S/o Shri Prem Lal Markam, Aged About 43 Years, Presently Posted Hostel Superintendent / In Charge Head Master Village Sighanpuri, Block - Bodla R/o Village - Sighanpuri Tahsil – Bodla, District Kawardha, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - Secretary, Education Department, New Mantralaya, Police Station Mandir Hasaud, Naya Raipur, District Raipur, Chhattisgarh
2. Collector, Kawardha, District Kabirdham, Chhattisgarh
3. Assistant Commissioner, Kawardha, District Kabirdham, Chhattisgarh
4. District Education Officer, Kawardha, District Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajit Singh, Advocate
For State	:	Mr. Anshuman Shrivastava, P. L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20.03.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 22.02.2019 whereby the District Education Officer has posted the petitioner at Govt. Middle School, Sambhupipar, Block Bodla, District Kabirdham.
2. The facts of the case are that the petitioner as of now is working as a

Teacher (LB) posted at Govt. Primary School, Sighanpuri (Ashram), Block Bodla, District Kabirdham. The said Ashram is under the Tribal Welfare Department. The petitioner's immediate superior officer is the Assistant Commissioner, Tribal Welfare Department. In June, 2018, the Govt. absorbed the services of the petitioner. Thereafter, the District Education Officer, Kabirdham vide its order 15.09.2018 posted the petitioner at the same place i.e. at Govt. Primary School, Sighanpuri (Ashram), Block Bodla, District Kabirdham. The grievance of the petitioner is that vide impugned order Annexure P-1 dated 22.02.2019, the District Education Officer has passed an order posting the petitioner at Govt. Middle School, Sambhupipar, Block Bodla, District Kabirdham.

3. Counsel for the petitioner submits that this order is an order which has been passed as an attachment of the petitioner from Primary School, Sighanpuri (Ashram), Block Bodla to Govt. Middle School, Sambhupipar, Block Bodla. Since the order of attachment is not permissible, the same is bad in law.
4. This Court, at the outset, is not inclined to entertain the writ petition for the reason that the Govt. Primary School, Sighanpuri (Ashram), Block Bodla is an Ashram which is otherwise run by the Tribal Welfare Department and vide order of the State Govt. June, 2018, the petitioner stands absorbed in the School Education Department. Thus, the Ashram at Sighanpuri, Block Bodla ought to be managed by the Tribal Welfare Department and the petitioner who substantively is a teacher has been ordered to be posted for teaching purpose in Middle School, Sambhupipar, Block Bodla which also is a

place in the same block where the petitioner was earlier posted.

5. Taking into consideration the distance between the two establishments and the fact that it is within the same block and further considering the fact that the petitioner now stands substantially posted under the School Education Department, the impugned order does not warrant any interference by this Court at this juncture.
6. Reserving the right of the petitioner to make suitable representation, in case he has personal inconvenience in complying with the order and the authority concerned may consider and decide the same in accordance with the rules, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge