

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1992 of 2019

Kalicharan Nishad S/o Bharatlal Nishad, Aged About 34 Years, Presently Posted And Working As Lecturer (Panchayat) Government Higher Secondary School Bholapur, Block Churiya, District Rajnandgaon, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Mantralaya, Atal Nagar, Post Office And Police Station Atul Nagar, District Raipur, Chhattisgarh.
2. Director, Directorate Of Panchayat And Rural Development, Indrawati Bhawan, Atal Nagar, Post Office And Police Station Atal Nagar, District Raipur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Rajnandgaon Chhattisgarh.
4. Chief Executive Officer, Zila Panchayat, Baloda Bazar Bhatapara, Chhattisgarh.
5. District Education Officer, Rajnandgaon Chhattisgarh.
6. Block Education Officer, Block Churiya, District Rajnandgaon Chhattisgarh.

---Respondents

For petitioner	:	Shri Vivek Shrivastava, Advocate.
For State	:	Shri Rahul Mishra, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/03/2019

1. The only dispute in the instant Writ Petition is in respect of the status of the petitioner whether he would be considered as Lecturer (Panchayat) of the Government Higher Secondary School, Block Rajnandgaon or whether of the Higher Secondary School, Amera, Block Palari, District Baloda Bazar.

2. The facts of the case in brief is that, the petitioner was working as a Lecturer (Panchayat) at the School at Bholapur, Block Churiya, District Rajnandgaon and by way of mutual order of transfer dated 16/12/2015, the petitioner was ordered to be posted at the Government Higher Secondary School, Amera, Block Palari, District Baloda Bazar and one Madhusneha Das, Lecturer (Panchayat) from the same School Amera, Block Palari was ordered to be transferred to the place where the petitioner was working i.e. the School at Bholapur, Block Churiya. However, the petitioner was not relieved though the other person – Madhusneha Das had already joined at Block, Churiya.

3. The petitioner finally was relieved on 28/02/2018 and when the petitioner reported to join at Amera, Block Palari, he was informed that there is no post available and as such he has not been granted joining on that ground and the petitioner now has been denied the salary for the period October and November – 2018 and thereafter the petitioner has again been given joining at Bholapur, Block Churiya.

4. The limited prayer which the petitioner has made is for an appropriate direction to the respondents for passing an appropriate order granting joining to the petitioner at the School at Amera, Block Palari in compliance to the order dated 16/12/2015.

5. Taking into consideration the aforesaid factual matrix of the case, this Court is of the opinion that ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.2 to take an appropriate

decision so far as the case of the petitioner is concerned by passing an appropriate order, particularly, in the light of the order dated 16/12/2015.

6. The counsel for the petitioner has brought to the notice of this Court certain vacancy position that are available in the entire District of Baloda Bazar including the place of transfer made in favour of the petitioner on 16/12/2015.

7. In the given facts, it is expected that, the respondent No.2 shall issue appropriate direction to the competent authority to ensure the compliance of the order dated 16/12/2015.

8. The Writ Petition accordingly stands disposed off.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE