

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2085 of 2019

Rajesh Upadhyay S/o Late Shri S. P. Upadhyay, Aged About 54 Years,
Presently Posted As Block Education Officer, Block Tokapal, District
Bastar, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mahanandi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Under Secretary, Department Of School Education, Mahanandi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
3. Shri Ramakant Pandey, Block Education Officer, Narharpur, District Kanker, Chhattisgarh.
4. Shri Inder Singh Kashyap, B. R. C. Tokapal, District Bastar, Chhattisgarh.
5. Shri Faras Ram Salam, Block Education Officer, Sonhat, District Koriya, Chhattisgarh.

---Respondents

For petitioner	:	Shri Ashutosh Pandey, Advocate.
For resp.No.3	:	Shri Somkant Verma, Advocate.
For State	:	Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/03/2019

1. The grievance of the petitioner in the instant Writ Petition is that, since he was transferred on 04/10/2018 and he had also complied with the transfer order, the said position could not be restored back by the respondent authorities to the position as it stood prior to 04/10/2018.
2. The facts of the case in brief is that, the petitioner was working as Block Resource Co-ordinator at Block, Tokapal and vide order dated 04/10/2018,

the petitioner was transferred as Block Education Officer, Block Tokapal. Vide the said order, the respondent No.3 who was earlier posted as Block Education Officer, Block Tokapal has been shifted as the Block Education Officer, Narharpur, District Kanker and one F.R.Salam who was working as Block Education Officer, Narharpur was shifted to Sonhat, District Koriya.

3. The said F.R.Salam had preferred a Writ Petition before this Court challenging the order dated 04/10/2018 vide WPS No. 6921/2018 and this Court disposed off the said Writ Petition with a direction to the petitioner to prefer a representation and till the representation is decided, the said F.R.Salam was ordered to be retained as Block Education Officer, Narharpur.

4. Subsequently, the State Government now has passed the impugned order dated 07/03/2019 deciding the representation and cancelling the order of transfer made so far as F.R.Salam is concerned so also as a consequence, the petitioner was brought back as the Block Resource Co-ordinator Narharpur, Block Tokapal and the respondent No.3 – Ramakant Pandey has been sent as the Block Education Officer, Block Tokapal.

5. The counsel for the respondent No.3 has entered appearance on caveat and informs that he has assumed his charge as Block Education Officer, Block Tokapal.

6. The only grievance that the petitioner now has is that, the respondent No.4 was given the charge of Block Resource Co-ordinator, Block Tokapal

after the post fell vacant on the petitioner's transfer as the Block Education Officer, Block Tokapal.

7. This Court is of the opinion that, the petitioner should not have any apprehension in this regard for the reason that, the respondent No.4 was only given the charge as a stop gap arrangement on the said post falling vacant and now that the petitioner has been ordered to be substantially posted back as Block Resource Co-ordinator of Block Tokapal, the authorities concerned would ensure that the charge of the said post is given to the petitioner and an appropriate direction in this regard would also be issued to the respondent No.4.

8. With the aforesaid observations, the instant Writ Petition stands disposed off.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE