

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) NO.2120 OF 2019**

Bagar Sai S/o Shri Ramdev Ram Aged About 50 Years R/o Ramanujganj, Ward No. 6, Purana Block Colony, Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, School, Education Department (Tribal) Mahanadi Bhawan Matralaya, Atal Nagar Raipur District Raipur Chhattisgarh.
2. District Education Officer, Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh.
3. Collector, Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
4. R. B. Rai S/o Late B. Rai, Aged About 60 Years R/o Ward No. 6, Purana Block Colony, Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Sanjeev Verma, Advocate.
For Respondents-State	:	Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.04.2019

1. The present writ petition has been filed challenging the impugned orders dated 06.10.2018 (Annexure P/1) as also the order dated 05.03.2019 whereby the petitioner has been asked to hand over the charge to the respondent No.4.
2. The limited prayer which the petitioner has made is that the petitioner was promoted from the post of Lecturer to Principal vide order dated 08.10.2018 and the petitioner has given his joining at the said place on 14.12.2018 as such the order stands fully complied with and therefore could not have been any amendment made to the said order. Further contention of the petitioner now is that, the impugned order has been passed only to accommodate the respondent No.4 who firstly could not have been sent at the place

where the petitioner is posted for the reason that the respondent No.4 is facing a departmental enquiry in respect of the alleged misconduct that he has committed while working at the School where the petitioner is presently being posted and vide the impugned order the respondent No.4 is being posted in place of the petitioner. The contention of the petitioner further is that there is all possibility of respondent No.4 may tamper with the records in respect of the departmental enquiry which has been initiated against him by posting him at the same place where it is alleged that he has committed misconduct.

3. Perusal of two impugned orders dated 06.10.2018 as also the order dated 05.03.2019 would show that there is perhaps some order passed by this court in WPS No.4730 of 2018 and again in a contempt petition No.943 of 2018 arising out of the said writ petition.
4. Given the aforesaid facts that the entire dispute revolves around the petitioner and the respondent No.4, this court is of the opinion to resolve the dispute it would be in the better interest of administration to direct the respondent No.1 to take an appropriate decision after thorough verification of the facts of the case particularly in respect of the alleged departmental enquiry which is pending against the respondent No.4 and which pertains to same institution where he is being posted vide the impugned order dated 06.10.2018. The respondent No.1 would also take note of the fact that the petitioner also in between had assumed the office on his being promoted vide order dated 08.10.2018 and on which post he has given joining on 14.12.2018.

5. Let an appropriate decision be taken by the respondent No.1 after thorough verification of facts and the orders passed by this court in the present writ petition as well as in the previous round of litigation by the respondent No.4 and try to resolve the dispute by passing a suitable fresh order. Meanwhile, let status quo as it exists today so far as posting of the petitioner and respondent No.4 is concerned be maintained.
6. The writ petition accordingly stands disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder