

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2248 of 2019**

Pradeep Kumar Sharma S/o Late Shri Madhav Sharan Sharma Aged About 53 Years Lecturer, In Higher Secondary School, At Present Working As In Charge Block Education Officer, Deobhog, Gariyaband, R/o Deobhog, Tahsil Deobhog, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary General Administration Department, Mantralaya, Mahanadi Bhawan New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Director Public Instruction, Office Of Directorate, Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Collector Gariyaband, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
5. Shri Ramnath Sahu Lecturer, Posted In Government Higher Secondary School, Ghuravand, Block Nagari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. M. K. Dubey, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****29/03/2019**

1. The challenge in the present writ petition is to the order Annexure (P-1) dated 04/12/2018 whereby the representation of the petitioner against the order of transfer dated 04/10/2012 has been rejected.

2. What is primarily to be taken note of is that the petitioner had in fact, challenged the order of termination dated 04/10/2018 vide WPS No. 6953/2018. The writ petition was disposed off on 12/10/2018. The petitioner was granted an interim protection till the conclusion of the election duties which were assigned to him. Election Duties have been over by December, 2018. Thereafter, the order granted by this Court in WPS No. 6953/2018 itself loses its efficacy and the rejection of the representation also to that extent has lost significance. The petitioner pursuant to the election duties being over was supposed to be relieved and assigned the charge at the transferred place i.e. Block Education Officer, Magarlod, District Dhamtari. The Place of posting or the tenure of posting of an Officer or employee to be assigned are all administrative functions exclusively within the domain of the State Government. The Writ Court under 226 of the Constitution of India finds it difficult to substitute itself as a superior Administrative body of the State Government determining the same.
3. Grievance of the petitioner seems to be that the department has decided the representation of the similarly placed persons in their favour but so far as the petitioner is concerned, they have not considered it similarly.
4. Likewise, it is also a request of the petitioner that since he is substantively a Lecturer is being assigned the duty of Block Education Officer. The department may also be consider granting him posting as a Lecturer at the original place of posting at Gariyaband or any other nearby place. This again is an area which

falls exclusively within the domain and jurisdiction of the State Government.

5. Without expressing any opinion on the merits of the case, this Court would like to dispose off the present writ petition with a direction to the petitioner to make a fresh representation altogether to the respondent No. 1 who in turn shall take appropriate decision on the representation of the petitioner in accordance with the law.
6. The writ petition stands accordingly disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit