

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2311 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.

---- Petitioner

Versus

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

---Respondents

For Petitioner	:	Mr. Manoj Kumar Dubey, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/07/2019

1. The challenge basically in the present writ petition is to the order of transfer dated 04.10.2018. The ground of challenge raised by the petitioner is that the order of transfer seems to be in contravention to the subsequent policy decision that the State Government has taken vide order dated 05.03.2019 (Annexure P/2).
2. Perusal of the order impugned dated 04.10.2018 would show that the petitioner was substantially a Block Education Officer and he has been again transferred in the same capacity to a different place as a Block Education Officer, as such the status of the petitioner has not been in any matter adversely affected by the issuance of the order dated 04.10.2018.
3. The petitioner has also not been able to show any of his personal right being affected or infringed by the policy decision of the State Government. It

appears that the petitioner is more aggrieved by the subsequent policy decision of the State Government, wherein the State Government has as a matter of policy held that the Teachers from the Tribal Welfare Department as well as the Teachers from the Education Department would be dealt separately and they would be enjoying the respective rights that they were enjoying under the Department of Tribal Welfare as well as the Department of Education respectively and the cases of both these categories of Teachers would be independently dealt with without there being an overlapping of the cadre.

4. The petitioner seems to be more aggrieved by the action of the respondents in placing the respondent No.1 at the place where the petitioner has been transferred from. The contention of the petitioner is that he does not belong to the Education Department and therefore he could not have been given the post of Block Education Officer. This Court is of the opinion that the said claim of the petitioner also would not be sustainable for the reason that so far as the petitioner is concerned, he is substantively a Block Education Officer and he has been sent again as a Block Education Officer. The petitioner cannot have a grievance in respect of the action of the State Government, so far as posting somebody else i.e. the respondent No.1 at the place from where the petitioner already stands transferred.
5. The writ petition accordingly stands disposed of holding it to be not maintainable at this juncture reserving the right of the petitioner to challenge the policy decision before the appropriate forum by way of an appropriate application/petition.

Sd/-
(P. Sam Koshy)
Judge