

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 2599 of 2019**

Dharelal Divyakar (D. L. Divyakar) S/o Late Latiram Divyakar, Aged About 61 Years, Principal Govt. Higher Secondary, School, Umreli, Block Kartala, District Korba, R/o Sahu Chal, Shankar Nagar, Champa, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School, Education Department, Mahanadi Bhawan Mantralaya, Atal Nagar, New Raipur, District Raipur, Chhattisgarh
2. Accountant General, Vidhansabha Road, Raipur, District Raipur Chhattisgarh
3. Director, Public Instructions, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
4. Collector, Korba, District Korba, Chhattisgarh
5. District Education Officer, Korba, District Korba, Chhattisgarh
6. District Treasury Officer, Korba District Korba Chhattisgarh
7. Principal, Govt. Higher Secondary School, Umreli, Block Kartala, District Korba Chhattisgarh
8. Ashok Bhardwaj, Lecturer (LB) Govt. Higher Secondary School, Umreli, Block Kartala, District Korba, Chhattisgarh

---- Respondents

For petitioner	:	Mr. K. S. Pawar with Shri Shashi Kumar Kushwaha, Advocates
For State	:	Mr. P. Acharya, P.L.
For Respondent no.2	:	Mr. Ashwani Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

08/04/2019

1. The only dispute raised in the present writ petition is the non-granting of charge in spite of the petitioner having assumed the duty of Principal at Govt. Higher Secondary School, Umreli, Block Kartala, District Korba.
2. The facts of the case are that the petitioner was promoted from the post of Lecturer to the post of Principal vide Annexure P-2 dated 25.02.2019. The petitioner joined his duty on 26.02.2019 but till date, the petitioner has not been given any charge and respondent no.8 has been given the administrative charge and another Principal of Govt. Higher Secondary School, Sukhrikala, Block Kartala has been granted the financial power.
3. Contention of the counsel for the petitioner is that both these persons are junior to the petitioner and they could not have granted the administrative as well as financial power. Moreover, since the petitioner had assumed the duty of Principal at Umreli, there was no necessity for issuance of Annexure P-7 dated 15.01.2019.
4. Given the said facts and circumstances of the case, let respondents 1 & 3 take an appropriate decision in this case and pass an appropriate order ensuring that the petitioner who has substantially complied with the order of promotion and has assumed the duty of Principal is given the charge that he is otherwise entitled for in the capacity of Principal of Govt. Higher Secondary School, Umreli. It is expected that respondents 1 & 3 shall take a decision promptly preferably within a period of 60 days from the date of receipt of copy of this order taking into consideration the fact that only 10 months service is left for the petitioner for retirement. The respondents are

expected to take a decision in accordance with the rules and regulations governing the field.

5. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**

Khatai