

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 4837 of 2019**

Dharelal Divyakar (D.L. Divyakar) S/o Late Shri Lalit Ram Divyakar Aged About 61 Years Occupation Principal, Govt. Higher Secondary, School, Umreli, Block Kartala District Korba, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, Naya Raipur, Police Station Abhanpur, District Raipur Chhattisgarh.
2. District Education Officer Korba District Korba Chhattisgarh.
3. S.K. Dubey Principal Occupation Principal, Govt. Higher Secondary, School, Umreli Block Kartala District Korba Chhattisgarh.

**---Respondents**

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Ms. Deepali Pandey, Advocate   |
| For State      | : | Mr. Arvind Dubey, Panel Lawyer |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**02/07/2019**

1. The challenge in the present writ petition is to the order dated 04.06.2019, whereby the order dated 25.02.2019 has been amended to the extent of posting the petitioner from Govt. Higher Secondary School Umreli, Block Kartala, District Korba to the Govt. Higher Secondary School, Nawapara, Block Kartala, District Korba.
2. The contention of the petitioner is that the said impugned order has been passed at the behest of the respondent No.3, who substantively was not the Principal of the Govt. Higher Secondary School, Umreli as there was an order of the State Government giving the charge to the respondent No.3 the Assistant Director, Kaushal Vikas Pradhikaran, Korba and the charge of the Government Higher Secondary School, Umreli was temporarily handed over to one B.L. Choudhari, the Principal of the Government Higher Secondary

School, Sukhrikala. It appears that the respondent No.3 also had filed a writ petition i.e. WPS No. 1645/2019 and this Court on 11.03.2019 while disposing of the writ petition had directed the respondent No.1 to resolve the dispute within 30 days, so far as the posting of the petitioner as also that of the respondent No.3 and meanwhile an order of status-quo was passed in favour of Mr. Dubey.

3. The petitioner also in the past had challenged the order of granting of the charge at Umreli by the respondent No.3 by way of a writ petition i.e. WPS No. 2599/2019 and this Court vide order dated 08.04.2019 had disposed of the writ petition permitting the petitioner to approach the higher authorities in the Department for ventilating his grievance and the respondents were directed to take a decision at the earliest. The impugned order now has been passed resolving the dispute inter se between the respondent No.3 and the petitioner, by posting the petitioner to a nearby place within the same block and the same district.
4. The petitioner at this juncture submits that there is only around 8 months of service left for the petitioner to retire and that the petitioner has also meanwhile undergone a bypass surgery and by the impugned order dated 04.06.2019 he has been sent to a place where there is no proper transportation facilities for reaching the school and there would also be a great amount of inconvenience and stress caused to the petitioner in case the order is complied with.
5. Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that the impugned order has been passed by the State Government taking into consideration the two orders passed by this Court i.e. one in WPS No. 1645/2019 dated 11.03.2019 and the another being WPS No. 2599/2019 dated 08.04.2019, this Court is of the opinion that there

does not appear to be any illegality per se on the part of the State Government in the issuance of the order dated 04.06.2019.

6. However, taking into considering the short tenure of service left for the petitioner and also considering the medical condition of the petitioner, this Court is of the opinion that the petitioner can approach the respondent No.1 seeking for a suitable posting to any other place, other than the Government Higher Secondary School Nawagarh, Block Kartala, where there are still vacancies available and where the petitioner can be comfortably accommodated also.
7. On such representation being made by the petitioner, the authorities would consider and decide the same at the earliest. Meanwhile, it is expected that the respondents would not take any coercive steps against the petitioner.
8. With the aforesaid observations, the present writ petition stands disposed off.

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

Ved