

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4893 of 2019**

Ku. Rekha Khande D/o Shri R. R. Khande, Aged About 33 Years
Presently Posted As Hostel Superintendent At Govt. Post Metric
Schedule Tribe Girls Hostel, Jarhabhatha, District Bilaspur
Chhattisgarh, Permanent R/o Village Pendari, Post Sakri, Tahsil
Takhatpur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Department Of Tribal Welfare, Manatralaya, Mahanadi Bhavan Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. The State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhavan Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
3. The Commissioner, Tribal Welfare Department, Indrawati Bhavan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
4. The Collector (Tribal Development), Bilaspur, District Bilaspur Chhattisgarh
5. The Assistant Commissioner (Tribal Welfare) Bilaspur, District Bilaspur, Chhattisgarh
6. The District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh
7. Zila Panchayat, Bilaspur Through Its Chief Executive Officer, Zila Panchayat, Bilaspur Chhattisgarh
8. Ku. Anuradha Dhruv Hostel Superintendent, Grade - D, Pre - Metric Aadiwasi Girls Hostel, Gaurela, Block Gaurela, District Bilaspur Chhattisgarh

9. Smt. Heera Netam, Incharge Hotel Superintendent, Post Graduate Aadiwasi Girls Hostel, Jarhagbhatha, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Roop Naik, Advocate.
For State	:	Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04.07.2019

1. The challenge in the present writ petition is to the order Annexure P-2 dated 02.03.2019 and Annexure P-1 dated 19.06.2019. Vide order Annexure P-2 dated 02.03.2019 the petitioner has been asked to handover the charge of Govt. Post Graduate Aadiwasi Girls Hostel, Jarhabhatha, Bilaspur to respondent no.9. Vide Annexure P-1 dated 19.06.2019 the petitioner has been relieved from the Hostel at Jarahabhtha, Bilaspur and sent back to the Govt. Primary School, Khamhariya, Block Takhatpur, district Bilaspur.
2. Perusal of the record would show that the petitioner substantively is an Assistant Teacher (LB) and posted at Govt. Primary School, Khamhariya, Block Takhatpur, District Bilaspur. In between, as a stop gap arrangement, the petitioner was sent as the hostel incharge of Govt. Post Graduate Aadiwasi Girls Hostel, Jarhabhatha, Bilaspur.
3. This Court, at the outset, finds that the petitioner's substantive place of posting has not been disturbed by the impugned order. It is only the temporary arrangement which has been withdrawn by the State

Govt. and the petitioner has been sent back to her substantive place of posting and as such no right whatsoever of the petitioner gets infringed by the said action of the State respondents.

4. So far as the non-obtaining of NOC from respondent no.6 i.e. the District Education Officer, Bilaspur so also verification of the availability of post is concerned, the same does not affect the rights of the petitioner directly. That once when the State Govt. has sent the petitioner back to her substantive place of posting, it is the State Govt. to ensure that the petitioner is provided with the work.
5. Counsel for the petitioner, at this juncture, submits that respondent no.5 does not have any jurisdiction so far as posting of respondent no.9 at Govt. Post Graduate Adiwasī Girls Hostel, Jarhabhatha, Bilaspur is concerned.
6. This Court finds the said submission of the counsel for the petitioner also totally unsustainable for the reason that by the said action no right of the petitioner is adversely affected or infringed upon, as the petitioner was never substantively posted at Govt. Post Graduate Adiwasī Girls Hostel, Jarhabhatha, Bilaspur.
7. Given the facts, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order.
8. Accordingly, the writ petition stands dismissed.

Sd/-
P. Sam Koshy
Judge