

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5155 of 2019

1. Smt. Jyotirao Mamdikar, W/o Shri Gajendrarao Mamdikar Aged About 58 Years Occupation Head Master, Middle School Burndwada Semra, Tahsil And Block Jagdalpur, District Bastar Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh The Collector Bastar, Jagdalpur District Bastar Chhattisgarh
2. The District Education Officer Bastar Jagdalpur, District Bastar Chhattisgarh
3. The Block Education Officer, Bastar Jagdalpur, District Bastar Chhattisgarh
4. The Collector Bastar Jagdalpur, District Bastar Chhattisgarh.
5. The District Education Officer Bastar Jagdalpur, District Bastar Chhattisgarh
6. The Block Education Officer Bastar Jagdalpur, District Bastar Chhattisgarh

---Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.07.2019

1. The challenge in the present Writ Petition is to the Annexure P-1 dated 03.07.2019, whereby the services of the petitioner attached at the Middle School Burndwada, Semra to Middle School, Maganpur where the petitioner was substantively posted.
2. The contention of the petitioner is that, the respondents themselves on 24.09.2016 had posted the petitioner for an academic year at the Government Middle School, Burundwada, Semra Block and

District:Jagdalpur, (C.G.) and thereafter another order was passed after about a year on 08.09.2017 (Annexure P-4) whereby it was ordered that the salary would also be drawn from the Government Middle School, Burundwada, Semra. This order was due on the previous person of Burundwada, Semra getting retired.

3. Given the said fact the contention of the petitioner is that, since the salary of the petitioner was being drawn from the Middle School, Burundwada for all practical purposes which should have been treated as if the petitioner has been substantively posed at Burundwada instead of Maganpur. Another fact which has been brought to the notice of the petitioner is that, vide impugned orders, in addition to the petitioner, another Head Master, namely Smt. Lalita Mishra is also being sent back to the Middle School at Maganpur and which would cause further complications of there being two Head Masters for the same school.
4. The petitioner further submits that, in addition to the petitioner and the aforementioned Smt. Lalita Mishra, the school at Maganpur already has a person under the charge of Head Master and which would make three Head Masters for the same school. Thus, for all these, the petitioner has prayed for the revocation of the order, so far as the petitioner is concerned.
5. The State Counsel on the other hand, opposing the petition submits that, the impugned order is only the cancelling of the attachment orders of temporary nature. The petitioner is substantively posted as a Head Master in Maganpur and has been sent back to her substantive place and, therefore, the same could not been

challenged in this writ petition. Neither there is any violation nor there is this illegality.

6. Having heard the contentions put-forth on either side and on perusal of records, what cannot be lost sight is that, since September, 2016 the petitioner is working as a Head Master of Middle School at Burandwada, Semra. After having worked for about a year, the respondents themselves have already passed order whereby the salary of the petitioner was also ordered to be released against the school to Burandwada, Semra itself.
7. Moreover, as has been submitted by the petitioner, there appears that vide the impugned order more than two Head Masters are getting posted at the same school which further may create complications.
8. Given the said fact, reserving the right of the respondents to pass a fresh order taking into consideration the administrative exigencies, the impugned orders, so far as the petitioner is concerned, vide Annexure P-1 dated 03.07.2019 is ordered to be set-aside/quashed.
9. Accordingly, the Writ Petition stands disposed off.

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