

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5626 of 2019

Vijay Kumar Panore S/o Shri J. R. Panore Aged About 39 Years Posted As Hostel Superintendent At Schedule Caste Boys Hostel, Seepat Road, Bilaspur Chhattisgarh. R/o Near Gopal Kirana Store, Chingrajpara, Pratap Chowk, Bilaspur District : Bilaspur, Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Tribal Welfare Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur District : Raipur, Chhattisgarh
2. Collector District Bilaspur District : Bilaspur, Chhattisgarh
3. Assistant Commissioner Tribal Welfare Development, Bilaspur District : Bilaspur, Chhattisgarh
4. Prithviraj Singh Presently Posted As Hostel Superintendent At Schedule Caste Boys Hostel, Gorela, Bilaspur District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ghan Shyam Kashyap, Advocate
For Respondent/ State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.07.2019

Heard

1. The challenge made in this writ petition is to the order dt. 12.07.2019 (Annexure P-1) whereby respondent No.4 has been transferred as In-charge of Schedule Caste Students Ashram Seepat Road, Bilaspur.
2. Learned counsel for the petitioner submits that though the name of the petitioner does not appear in the transfer list but he would be affected as his place would be occupied by respondent No.4 who has been transferred in his place. He further submits that the posts cannot be filled in by transfer of respondent no.4 and as per the Policy and it is to be filled by direct recruitment.

3. Learned State counsel opposes the arguments and submits that the petitioner was in hold of additional charge of the place which would be evident from the letter dated 31.05.2017 (Annexure P-3) and the petitioner was given the charge on temporary measure because of superannuation of one Tulasi Ram Miri, who was Incharge Superintendent of the Hostel.
4. Heard learned counsel for the parties and also perused the documents. Annexure P-1 is transfer order whereby respondent no.4 has been transferred in place of the petitioner and Annexure P-3 would show that one Tulasi Ram Miri, Incharge Superintendent, having been superannuated, the petitioner was posted to hold the post on temporary measure until further orders. Therefore, the petitioner was holding the charge on temporary basis. Further more it can not be the prerogative of the petitioner to work on a particular post, it is the jurisdiction and domain of the State to post a person on a particular post.
5. In such facts situation of the case, the petition has no merit and is dismissed.

Sd/-
(GOUTAM BHADURI)
JUDGE