

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5975 OF 2019**

Mahesh Prasad Ahirwar, S/o Late Shri Kodu Ram Ahirwar, aged about 51 years,
Lecturer (LB) Economics (at present Incharge Principal) at Government higher
Secondary School Domhara, P.S. Janakpur, Block Bharatput, District Koriya (CG)

... Petitioner

versus

1. State of Chhattisgarh, through its Secretary, Department of Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (CG)
2. The Director, Public Instructions, Directorate, Chhattisgarh Government, Raipur, District Raipur (CG)
3. The District Education Officer, District Koriya (Baikunthpur) (CG)
4. Block Education Officer, Block Bharatput, District Koriya (CG)

... Respondents

For Petitioner	:	Mr. A.S. Rajput, Advocate.
For Respondents	:	Ms. Abhyunnati Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2019

1. Challenge in the present writ petition is to the order dated 30.7.2019 (Annexure P-3).
2. Vide the said impugned order, respondent no.3 i.e. the District Education Officer has shifted the place of posting of the petitioner from the Government Higher Secondary School, Domhara, Block Bharatpur to the Government High School, Barel, Block Bharatpur.
3. Contention of the petitioner is that, firstly the District Education Officer is not the competent authority to issue a posting order to the petitioner and the competent authority is in fact the State Government as the petitioner is working as a Lecturer. The second ground raised by the petitioner is that the change of posting amounts to violation of the transfer policy particularly when there is a total ban on transfer beyond 12.7.2019. The impugned order amounts to transferring the petitioner from one place to another place. The third contention of the petitioner is that the petitioner has not been given an opportunity of hearing on the alleged complaints which the authorities received in a District Level Samadhan Shivir, and therefore also the impugned order amounts to victimization.

4. Prima facie, this Court is of the view that the District Education Officer has simply in the light of certain complaints that were received and which were inquired upon had shifted the petitioner from one school in the same block to another school in the very same block. The place where the petitioner is being sent is another school where in fact there is no teacher.

5. The petitioner seems to be aggrieved more aggrieved by the manner in which he has been sent and the stigma or the allegations or complaint which has been reflected in the impugned order. This Court is also of the view that once when there is a reference of some complaint being lodged against the petitioner, an employee/petitioner is bound to know about the nature of allegation levelled and the manner of inquiry conducted by the authorities. The petitioner cannot be simply made a victim on an anonymous complaint or an enquiry conducted without taking the petitioner into confidence.

6. The impugned order therefore is not sustainable and the same stands set aside/quashed. The respondent no. 1 and 2 are hereby directed to reconsider the complaints which have been received by the authorities concerned in respect of the conduct of the petitioner at the Government Higher Secondary School, Domhara, Block Bharatpur and pass an appropriate order after giving appropriate opportunity of hearing to the petitioner on the same.

7. The writ petition stands allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/