NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7182 of 2019

Kresencia Minj W/o Silberiyush Minj Aged About 60 Years R/o House No. 244, Rainkipas Gharghoda Road, Jogatpur, Raigarh Chhattisgarh 496001, Presently Posted At Hostel Superintendent, Post Matric, Obc Girls Hostel, Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Tribal And Scheduled Caste Development Department, Room No S-4, Mahanadi Bhawan, New Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Assistant Commissioner Tribal Development Department, Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
3. Collector Raigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Aman Pandey, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/09/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 12.07.2019, whereby the services of the petitioner has been sent back from the Tribal Department to the Education Department.
2. Perusal of the record would show that the petitioner's substantive appointment was that of an Assistant Teacher in the Tribal Welfare Department and working in the Tribal Welfare Department. Thereafter, in the year 2015, the services of the petitioner got merged with the Education Department and since then the petitioner basically is an employee of the Education Department.
3. The grievance of the petitioner is that since for the last 27 years, the petitioner has worked as a Hostel Superintendent in the Tribal Department, the petitioner's services should have got absorbed in the Tribal Welfare

Department as a Hostel Superintendent against the vacancy available in the Department considering her qualification and experience and also considering the fact that the petitioner has got only 1 ½ year of service left for the retirement.

4. All said and done, the relaxation in the Rules and Regulations can only given by the State Government, the High Court under Article 226 of the Constitution of India would find it difficult to relax the Rules and Regulations, so far as absorption of the petitioner in the Tribal Department on the post of Hostel Superintendent is concerned. The petitioner has all the rights for making a representation in this regard to the concerned authorities, who in turn may consider the contents of the representation and pass an appropriate order at the earliest in accordance to the Rules & Regulations.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved