

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6869 OF 2019**

1. Devendra Nath Mishra S/o Shri Y.N. Mishra Aged About 56 Years R/o Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, School Education Department, Mahnadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Director, Public Instruction Directorate Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. Sanjeev Kumar Tiwari Lecturer, Government High School Podi, Block Lakhanpur, District Surguja Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Manoj Paranjpe, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05.09.2019**

1. Challenge in the present Writ Petition is to the order dated 22.08.2019 whereby the petitioner has been transferred from Udaypur, Surguja to Kedma, Surguja.
2. The grievance of the petitioner is that, the petitioner as of now was working as a Block Education Officer being a senior most Principal available in the department having more than 12 years of experience as a Principal. However, vide the impugned order the respondent No.3 is being sent as a Block Education Officer in the area where the petitioner is working. The respondent No.3 does not have minimum eligibility criteria required for being appointed or promoted on the post of Block Education Officer. The respondent No.3 is not even the Principal. He is only a Lecturer appointed in the year, 2017 itself and who has been ordered to be given the charge of Block Education Officer.
3. Prima facie, it appears to be in violation of the Rules framed by the State Govt. in this regard in the year, 2019 i.e. Chhattisgarh School Education

Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019 (in short, the Rules, 2019).

4. Given the aforesaid facts, let the respondent No.1 take necessary steps in ensuring that the post of Block Education Officer at Block Udaypur, District Surguja is being given to a person who has all the requisite qualification and experience as is required under the Rules, 2019 referred to hereinabove or else the department should ensure that the senior most Principal available in the Block is given the charge of Block Education Officer. Let this exercise be completed within a period of 30 days from the date of receipt of copy of this order. Till then, the effect and operation of the impugned order so far as petitioner as well as respondent No.3 is concerned, shall remain stayed.
5. The present Writ Petition, accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge