

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.7270 OF 2019**

1. Prem Singh Warkade S/o Late Shri Budhlal Singh Aged About 61 Years Occupation Working As Block Education Officer Khadgawan District Korea Chhattisgarh.

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

1. State of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Post Office, Mantralaya, Police Station Rakhi, Atal Nagar, District Raipur Chhattisgarh.
2. The Under Secretary School Education Department Mahanadi Bhawan, Post Office Mantralaya, Police Station Rakhi, Atal Nagar, District Raipur Chhattisgarh.
3. The District Education Officer Baikunthpur, District Korea Chhattisgarh.
4. Mr. Dwarika Prasad Mishra Lecturer, Govt. Higher School Khaddhaura, Block Khadgawan District Korea Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Vipin Tiwari, Advocate.
For Respondent-State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16.09.2019**

1. Challenge in the present Writ Petition is to the order dated 22.08.2019 whereby the petitioner has been transferred from the post of Block Education Officer, Khadgawan Distt. Koriya to the post of Principal, Govt. Hr. Secondary School Khadgawan, District Koriya.
2. The grievance of the petitioner is that, the petitioner who was working as a Block Education Officer has been transferred as Principal and in place of the petitioner, the respondent No.4 is being sent as a Block Education Officer in the area where the petitioner is working. The respondent No.4 does not have minimum eligibility criteria required for being appointed or promoted on the post of Block Education Officer. The respondent No.4 is not even the Principal. He is only a Lecturer 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 Khadgawan, District Koriya 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.4 is concerned, shall remain stayed.
5. The present Writ Petition, accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder