

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7274 of 2019

Dr. Rekha Agrawal W/o Shri Prashant Agrawal Aged About 41 Years
Posted As Teacher (L.B.) Office of Block Education Officer, Block Dhamda,
Durg, District- Durg, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of School Education, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh.
2. Joint Director Education Office of the Joint Director Education, Durg Division Opposite District- Panchayat, G.E. Road Durg, District- Durg, Chhattisgarh.
3. District Education Officer District- Durg, Tehsil and District- Durg, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.09.2019

1. The challenge in the present writ petition is to the order dated 23.07.2019 so far as posting of the petitioner is concerned.
2. The record show that the petitioner was placed under suspension on 01.12.2018 and during the period of suspension she was attached to the office of the Block Education Officer, Dhamdha, District Durg and now the disciplinary authority vide the impugned order has after conclusion of the Departmental Enquiry found the petitioner to be guilty of the major misconduct and have inflicted the petitioner with punishment of stoppage of three annual increments with cumulative effect. After the punishment order was passed, the disciplinary authority has also ordered for the petitioner to be taken back in service as Teacher (LB) at Primary School, Baghnadi, Block Dongargaon, District Rajnandgaon. According to the petitioner, this posting of the petitioner outside district Durg is going to adversely affect the seniority and promotional avenue of the petitioner. It

was further the contention of the petitioner that the Joint Director is not a competent authority for posting the petitioner out of District. It is the power which is vested with the State Govt.

3. Given the aforesaid facts that the petitioner has been given seniority district wise and she was in the rolls of District Durg and that the Joint Director is not a competent authority to issue the order of posting from one District to another District, let the petitioner make a detailed representation in this regard to the respondent No.2 within a period of 10 days from today supported with all relevant rules/regulations and circulars of the State, and the said representation be decided by a speaking order at the earliest preferably within a further period of 45 days. Till the representation of the petitioner is decided, the effect and operation of the impugned order shall remain stayed.
4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder