

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7639 of 2019**

Smt. Shabnam Zahir W/o Shri S. Zahiruddin, Aged About 61 Years,
R/o Gayatri - Nagar, Jagdalpur, District Jagdalpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, Naya - Raipur, Raipur Chhattisgarh. 492002
2. District Education Officer, Office Of D.E.O., Bastar, District Jagdalpur Chhattisgarh
3. Shri Vijay Singh S/o Shri S. Tiwari, Aged About 60 Years, R/o Thakur Road, Near Prabhat Talkies, District Jagdalpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kshitij Sharma, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.09.2019**

1. The case of the petitioner is that the petitioner vide order dated 06.10.2018 was promoted on the post of Principal from the post of Lecturer and on promotion she was posted at Govt. High School Murkuchi, Block Bastar, Jagdalpur. Though the petitioner was promoted but she did not act upon the order of promotion on account

of being shifted to a place more than 100 kilometers and that there was a short tenure of service left for the petitioner for superannuation. The petitioner immediately made a representation before the authority concerned intimating them that the promoted post of Principal was lying vacant at the school where she was working i.e. at Dharampur, Jagdalpur and the petitioner be considered for the said post. The representation of the petitioner was recommended and forwarded to the Director, Public Instruction by the respondent no.2. The said recommendation was made as early as on 06.03.2019. However, no decision on the said recommendation has been taken by the authorities in the Department and now the impugned order Annexure P-1 has been passed whereby the respondent no.3 has been sent at the place where the petitioner was requesting for modification of the place of posting reflected in Annexure P-2 dated 06.10.2018.

2. The grievance of the petitioner is that since the post was lying vacant at the place where the petitioner was working, the respondents ought to have sympathetically considered the case of the petitioner rather than sending somebody else when the claim of the petitioner was already under consideration by the Department.
3. Considering the limited scope of interference that this Court has in such matters and knowing fully well that the power is always within the State Govt. to decide when, where and for what duration a person has to be posted, this Court would like to dispose of the writ petition directing the respondent no.1 to consider the request of the petitioner for being accommodated at Dharampura, Jagdalpur or at a nearby place considering the fact that she has got only less than 10 months

time for superannuation.

4. It is expected that respondent no.1 would sympathetically consider the request of the petitioner and also take note of the recommendation which was there in favour of the petitioner by the respondent no.2, within a period of 60 days from the date of receipt of copy of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**