

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7730 of 2019

Vijay Kumar Tirkey S/o Adrianus Tirkey Aged About 50 Years Presently Posted As In Charge Block Education Officer Pussore, District Raigarh, R/o Shriram Colony Bairdadar Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Dinesh Kumar Patel Presently Posted As Principal Government Higher Secondary School, Saria Baramkela, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
4. Girijashankar Dhiwar Presently Posted As Lecturer Government Higher Secondary School, Beltekri Bilaigarh, District Balodabazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

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

18/09/2019

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 22.08.2019 whereby the petitioner has been transferred from Pusaur, District Raigarh to Jashpur, District Raigarh.
2. The contention of the petitioner is that the petitioner who is substantively a Principal is being replaced by a Lecturer, who substantively is not eligible for holding the post of Block Education Officer, thus the posting of the respondent No.4 at the place of the petitioner is **per se** illegal and contrary to the Rules of 2019. The second ground of the petitioner is that the petitioner also has made certain requests for being accommodated at certain places, which were lying vacant, but that applications have till date not finalized.

3. Given both these grounds, this Court does not find any strong case calling for an interference with the impugned order. However, in case if the petitioner has made requests, the respondent authorities are expected of taking a decision on the representations of the petitioner considering the grounds that he has raised in those representations. Likewise, so far as the posting of the respondent No.4 is concerned, this Court would like to make it clear that the respondents No.1 & 2 should ensure that the post of Block Education Officer is entrusted to only those persons, who are otherwise qualified and eligible to hold the post of Block Education Officer and should not be given to those persons who do not fulfill the minimum eligibility criteria for the said post, even if it is as an in-charge Block Education Officer.
4. It is expected that the respondents No.1 & 2 should ensure necessary corrections, if required be taken, at the earliest preferably within a period of 60 days from the date of receipt of the copy of this order.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved