

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8116 of 2019**

Smt. Marina Topno W/o Shri Prabhu Dhan Topno Aged About 44 Years
Lecturer (LB) Presently Posted On The Post Of Hostel Superintendent
Kasturba Gandhi Balika Awasi Vidhyalaya Sonhat Block And P.S. -
Sonhat, District - Korea Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Atal Nagar, Raipur, District - Raipur Chhattisgarh
2. Mission Director Rajiv Gandhi Shiksha Mission, Raipur, District - Raipur Chhattisgarh
3. The Director Public Instruction Directorate Indravati Bhawan, Naya Raipur, District - Raipur Chhattisgarh
4. The Collector And District Mission Director Rajiv Gandhi Shiksha Mission, District - Korea, Baikunthpur Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
5. District Mission Co-Ordinator Rajiv Gandhi Shiksha Mission, District - Korea Baikunthpur Chhattisgarh
6. Block Education Officer Block Sonhat District - Korea Chhattisgarh
7. Smt. Saloni Bakhla Teacher (L.B.) Kasturba Gandhi Balika Awasi Vidhyalaya Sonhat Block And P.S. - Sonhat, District - Korea Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. S. Rajput, Advocate
For Respondent No. 2, 4 & 5	:	Mr. A. S. Kachhawaha, Advocate
For State	:	Mr. Ashutosh Mishra, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/10/2019**

1. The challenge in the present Writ Petition is to the order [Annexure P/4 dated 19.09.2019](#) whereby the petitioner who was working as a Hostel Superintendent at Kasturba Gandhi Balika Awasiya

Vidyalaya, Sonhat has been ordered to be sent at the Government High School, Sawarawan for teaching work.

2. Contention of the petitioner is that the petitioner has been working on the said post since 2012 and services of the petitioner has been quite satisfactory and petitioner recently was also given certificate showing appreciation to her work by the same authority who has passed the impugned order. Further contention of the petitioner is that there is no complaint levelled against the petitioner which called in for change of posting. At the same time, the petitioner also submits that the impugned order has been passed only to accommodate respondent No.7 who has been ordered to be given the charge by the petitioner. Further contention of the petitioner is that the respondent No.7 is not competent and qualified to hold the post of Hostel Superintendent under the guidelines framed by the Mission Director which can be given only to a Lecturer or a Principal but respondent No.7 is only a Teacher(Panchayat) and is not even qualified to be posted as Hostel Superintendent. Further contention of the petitioner is that if at all, if the petitioner intended to cancel the duty of a Hostel Superintendent of the petitioner, they should have ensured giving charge to a person who is otherwise competent and qualified to hold the post of Hostel Superintendent. It was further contention of the petitioner is that if at all, if they intended to recall the services of the petitioner from the post of Hostel superintendent they should have repatriated the petitioner at the same place where she was working before 2012 when she came in as a Hostel Superintendent. It was further contention of the petitioner that Collector is not competent authority to pass an order

to decide the place of posting of the petitioner and it could only have been done by the Project Co-ordinator and not by the Collector.

3. All said and done what is undisputed is the fact that petitioner is substantively a Lecturer(L.B.) in the Geography subject. Basic nature of work which petitioner has to perform is that of teaching. The petitioner in between was assigned the duties of a Hostel Superintendent at Sonhat. On the said post the petitioner has already worked for a period of about seven years. This is a period of more than two normal tenure of posting. The petitioner do not have an indefeasible right to continue on the said post till her retirement. Services of the petitioner undoubtedly is transferable. The petitioner could have been transferred at any point of time at any place under the respondents. There need not be any complaints received for transferring a person who is working as Hostel Superintendent. It can also be done at the administrative exigency or in case if the need so arises. The impugned order Annexure P-4 dated 19.09.2019 clearly shows that the order has been passed taking into consideration the basic nature of work of the petitioner i.e. of Lecturer (L.B.) and that the services of the petitioner has been shifted to a High School with an intention that the education system would get more strengthened and education of the students in the High School would get improved.
4. So far as the person who is replacing the petitioner is concerned, prima facie, the petitioner would not have a right to challenge the appointment of a person who is coming in place of the petitioner. That cannot be a ground for assailing change of posting of the petitioner.

5. Yet, if there are certain guidelines framed by the respondents so far as the person who can hold the post of Hostel Superintendent. It is expected that State Government as well as authorities concerned particularly, respondent No.1 to 5 should ensure that guidelines of the State Government are adhered to while posting a person as Hostel Superintendent. Incompetent and unqualified person should not be deputed on the said post. It is expected that authorities concerned would ensure appropriate steps be taken to verify the aspect whether the respondent No.7 is qualified and competent to hold the post of Hostel Superintendent or not, if not, necessary corrective measures would be taken by the respondents.
6. It is expected that such steps shall be taken by the respondents within a period of 60 days from the date of receipt of copy of this order.
7. Another reason why this Court does not incline to interfere with the change of posting of the petitioner is that the fact that the change of posting of the petitioner from the Hostel Superintendent to the High School is too short a distance. The distance between the two establishment, one where the petitioner is working till date and the place where she is now being sent is too short a distance which could create any personal inconvenience at this juncture.
8. With the aforesaid directions, as have been given in the preceding paragraphs, the writ petition stands rejected.

Sd/-

(P. Sam Koshy)
Judge