

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC No. 974 of 2019**

Jitendra Kumar Baware S/o Late Shri Chhedilal Baware Aged About 50 Years R/o Vidya Up Nagar, Near Shiv Temple, Chhedilal Nivas Bilaspur, District Bilaspur, Chhattisgarh. (Respondent No.5)

---- Applicant

Versus

1. Dr. (Smt.) Pratibha Mandloi W/o Dr. B.L. Mandloi Aged About 52 Years Occupation Service, Presently Posted As Block Education Officer, Mungeli District Mungeli, Chhattisgarh. (Petitioner)
2. State Of Chhattisgarh Through Secretary School Education Department Of, Mantralaya Mahanadi Bhawan, Atal Nagar, Police Station Naya Raipur, District Raipur, Chhattisgarh. (Respondent No.1)
3. Director Directorate Of Public Instruction Indrawati Bhawan, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, Raipur, District Raipur, Chhattisgarh. (Respondent No.2)
4. Joint Director (Education) Education Bilaspur, Division Bilaspur, District Bilaspur, Chhattisgarh
5. District Education Officer Mungeli District Mungeli, Chhattisgarh
6. Vijay Tande Assistant District Project Officer, Janjgir District Janjgir Champa, Chhattisgarh
7. M.L. Patel Block Education Officer, Kota, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anukul Biswas, Advocate
For State	:	Mr. Ayaz Naved, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/11/2019

1. The present MCC has been filed seeking recalling of the order dated 28.08.2019 passed in WPS No. 6610/19.
2. Counsel for the petitioner submits that it is a case where order dated 28.08.2019 was passed suppressing the facts that the petitioner had

already given his joining at the transferred place. There was no occasion for interim protection which could be granted to the petitioner therein.

3. This Court at this juncture would only hold that MCC seeking recalling of an order may not be maintainable for the reason that writ petition itself stood disposed of directing the State Authorities to take a decision on the representation made by the petitioners in two writ petitions and that representations was to be decided within 45 days and interim protection was granted only so far as petitioners in those writ petitions are concerned. In any case, there was no order passed against the applicant in the order dated 28.08.2019 and applicant already assumed his duties as per the transfer order, the applicant as such should not have any grievance.
4. Reserving the right of the applicant to initiate appropriate proceedings in respect of any of his individual grievance which still survives, the present MCC stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit