

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCC No. 972 of 2019**

Vijay Tande S/o Late M.L. Tandey Aged About 50 Years R/o Devnandan Nagar, Phase No. 1, Seepat Road, Chantidih, Bilaspur, District Bilaspur Chhattisgarh.

---- **Petitioner**

**Versus**

1. M. L. Patel S/o Late Phadul Ram Aged About 54 Years Occupation Service, Posted As Block Education Officer At Kota, Block Kota, Bilaspur, District Bilaspur Chhattisgarh
2. State Of Chhattisgarh Through Principal Secretary, School Education Department Of Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
3. District Education District Bilaspur District Bilaspur Chhattisgarh
4. Dr. Pratibha Mandloi Presently Posted As Block Education Officer, Mungeli, District Mungeli 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. 6601/19.
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 petitioner 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