

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7300 of 2018

Dr Laxman Singh Thakur S/o Late Jhaduram Thakur Aged About 50
Years Principal Posted As Incharge Block Education Officer, Block -
Geedam, District - Dantewada, Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Matralaya, New Raipur, Chhattisgarh.
2. The Director Directorate Of Public Instructions, Indravati Bhawan, New Raipur, Chhattisgarh.
3. The District Education Officer District - Dantewada, Chhattisgarh.
4. Shiekh Rafique Originally Posted As Lecturer, Incharge Block Education Officer, Bastanar, District - Dantewada, Chhattisgarh.

---Respondents

For petitioner	:	Shri K.K. Pandey, Advocate
For respondent	:	Shri Dhiraj Kumar Wankhede, Advocate
For State	:	Shri Sameer Behar, P.L.

WPS No. 1931 of 2019

Sheikh Rafiq S/o Late Shri S.Rasul Aged About 45 Years Posted As
Block Education Officer, Gidam District Dantewada, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Serectary, Chhattisgarh School Education Department, Mahanadi Bhawan Atal Nagar Raipur, Chhattisgarh 492002
2. State Of Chhattisgarh Through Upper Secretary, Chhattisgarh School Education Department, Mahanadi Bhawan Atal Nagar, Raipur, Chhattisgarh 492002

3. The Director Directorate Of Public Instructions , Indrawati Bhawan, New Raipur, Chhattisgarh
4. District Education Officer District Bastar, Chhattisgarh.
5. District Education Officer District Dantewada, Chhattisgarh.

Respondents

For petitioner	:	Shri D.K. Wankhede, Advocate
For State	:	Shri Sameer Behar, P.L.

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

09/04/2019

1. The Challenge in the present writ petition is to the order dated 04.10.2018 (Annexure P-1) whereby the petitioners have worked on the post of Block Education Officer at Geedam, District Dantewada and they have been transferred as the Block Education Officer from Geedam, District Dantewada to Block Usur, District Bijapur.
2. The contention of the petitioner is that the place where the petitioners are substantially holding the post of BEO and the BEO is being replaced by the respondent No. 4 who is only a lecturer whereas in the department have a Larger number of Principles are available who could have been brought as a Block Education Officer. The respondent / State by brining in respondent No. 4 have violated the rules and guidelines framed by the Department.
3. This Court while entertaining the Writ Petition (S) 7300 of 2018 on 02.11.2018 had granted an interim protection to the petitioners of not being relieved till next date of hearing. That by virtue of the interim protection, the petitioners continue to discharge their duties as the Block Education Development Officer at Geedam Dantewada.

4. The respondent No. 4, at the same time, entered appearance in this case and has also filed a separate writ petition i.e. 1931 of 2019. The respondent No. 4 submits that the pursuant to the impugned order dated 04.10.2018, respondent No. 4 has assumed his duties on 06.10.2018 and the present writ petition has been filed much after that i.e. on 21.10.2018.

5. According to the respondent No. 4 once when the order dated 04.10.2018 stands fully complied with nothing further remains to be decided in the said writ petition so far as the respondent No. 4 is concerned.

6. Having heard the contention put forth on either side, and on perusal of records what can not be lost sight of is that the petitioners were working as Block Education Officer at Geedam (Dantewada). They have been shifted to BEO in the same capacity and therefore, the posting of the petitioners can not be found fault with, so far as the respondent No. 4 who has been given the charge at their place is concerned. The petitioners as such cannot have a grievance on the said post as they already stands transferred vide order dated 04.10.2018.

7. Now that since the petitioners by virtue of the interim protection granted by this Court on 02.11.2018 continue to discharge their duties till now, this Court is of the opinion that ends of justice would meet, if it is clarified that the interim order Dated 02.11.2018 now stands vacated and the respondent No 3 is directed to pass an appropriate direction in the light of the order dated 04.10.2018 at the earliest. Till the respondent No. 3 passes a direction in the light of the order dated 04.10.2018 as directed by this Court, the petitioner would continue at their present place of posting.

8. With the aforesaid directions, the writ petitions stands disposed off.

9. Since the impugned writ petition i.e. 7300 of 2018 stands disposed of by this order vacating interim order dated 02.11.2018 with a direction to respondent No. 3 to pass a fresh direction, the subsequent writ petition i.e. WPS No. 1931 of 2019 filed by the respondent No. 4 in WPS 7300 of 2018 also stands disposed of in similar terms as has been passed in WPS No. 7300 of 2018.

Sd/-
(P. Sam Koshy)
JUDGE

jyoti