

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4325 of 2019

Chhattisgarh Shikshak Congress Through State General Secretary, Satpal Sharma Office 194/a, Rajiv Ward Industrial State, Frezarpur Jagdalpur Bastar Chhattisgarh Registration No. 4968 Head Office Nehru Nagar Bhilai District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
2. The Secretary General Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
3. The Director Public Instructions Directorate, First Floor, Block C, Indrawati Bhawan Atal Nagar, District Raipur Chhattisgarh.
4. The Collector Bastar Division Jagdalpur, District Bastar Chhattisgarh
5. The District Education Officer Bastar Jagdalpur, District Bastar Chhattisgarh
6. Ganesh Tiwari Deputed As Assistant Program Coordinator, (Lecturer), B.R.C. Block Resource Coordinator, Office Of District Program Office, Rajiv Gandhi Shiksha Mission, Sarva Shiksha Abhiyan Bastar District Jagdalpur Chhattisgarh
7. Samir Ranjan Saha Deputed As Assistant Program Coordinator, (Lecturer), B.R.C. Block Resource Coordinator Office Of District Program Office, Rajiv Gandhi Shiksha Mission, Sarva Shiksha Abhiyan Bastar District Jagdalpur Chhattisgarh.
8. Anil Thomare Deputed As Assistant Program Coordinator, (Lecturer), Posted In The Office Of Jila Panchayat Bastar District Jagdalpur Chhattisgarh
9. Shrinivas Mahanty (Lecturer), Diploma In Civil Engineering Rajiv Gandhi Shiksha Mission, Sarva Shiksha Abhiyan Bastar District Jagdalpur Chhattisgarh
10. S. Hanumant Rao Office Of District Program Office, Rajiv Gandhi Shiksha Mission, Sarva Shiksha Abhiyan Bastar District Jagdalpur Chhattisgarh

---Respondents

For Petitioner	: Mr. Avinash K. Mishra, Advocate.
For State	: Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2019

1. The default pointed out by the Registry is that the writ petition has been wrongly classified as WPC instead of WPS. The primary relief sought for

by the petitioner in the present writ petition is for quashment of the impugned orders dated 20.06.2019 and 03.07.2019, 20.06.2019 and 03.07.2019 marked as Annexure P-1 to P-6.

2. The impugned orders Annexure P-1 to P-6 are orders whereby teachers of the Petitioner-Association have been relieved to their substantive place of posting for discharging their teaching duty for which they have been primarily appointed. The association, in the past, had filed a writ petition i.e. WPS 7951/2019, this Court, vide order dated 30.09.2019, had held that the writ petition in the representative capacity in a service matter would not be maintainable, particularly, when the cause of action was an individual cause of action qua the person who stood relieved from their place of posting and was posted at their substantive place of posting. The writ petition accordingly was withdrawn at that point of time by the association with liberty given to the aggrieved person to approach by way of a fresh writ petition, if they so want.
3. Subsequently, The Petitioner-Association has now filed the same writ petition registering as a WPC and challenging the same order in the present writ petition. It is here that the Registry has raised an objection that it ought to have been registered as WPS instead of WPC.
4. This Court also on perusal of the impugned orders and the relief sought is also of the firm view that the matter has to be one which ought to have been challenged by the concerned aggrieved person whose names are reflected in the said impugned orders by way of writ petition under classification of WPS.
5. At this juncture, Shri Avinash Mishra, submits that some of the individuals whose names are reflected in the impugned orders have already independently filed separate writ petition before this Court and some of them also have got relief. This further all the more strengthens the objection raised by the Registry holding that the matter is one which has to

be classified as a writ petition of service matter not writ petition of civil nature. In any case, this Court on an earlier occasion on 30.09.2019 had already held that the writ petition in a representative capacity would not be maintainable and the liberty was given to the aggrieved person to approach the court by way of a fresh writ petition that does not mean that the same association could have filed a separate writ petition under the classification of WPC instead of WPS.

6. The default pointed out by the Registry accordingly stands upheld, the present writ petition stands dismissed as not maintainable. Reserving the right of the individual aggrieved persons to challenge the impugned orders, if they are aggrieved of the same.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha