

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9788 of 2019**

- R. S. Rathore S/o A.R. Rathore Aged About 55 Years Posted As District Project Officer, District Public Education Committee, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary School Education Department, District Raipur, Chhattisgarh
2. Director Cum Member Secretary State Mission Authority, Shiksha Bhawan, 1st Floor, Pension Bada, Raipur, Chhattisgarh
3. District Education Officer District Bilaspur, Chhattisgarh
4. Jitendra Kumar Patle Lecturer, Panchayat Government Boys Higher Secondary School, Block Masturi, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Shri Anup Majumdar, Advocate

For Respondents/State : Shri Soumya Rai, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/11/2019**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner has been transferred to his original place of posting i.e. Government Higher Secondary School V.D.K.P. Kota, Block Kota, District Bilaspur vide order dated 08.11.2019. It is contended that the petitioner was posted as District Project Co-ordinator under Rajiv Gandhi Shiksha Mission in the year 2010 he was on deputation vide Annexure P-2, where from he has been further posted on deputation to

District Project Officer, under Sakshar Bharat Program, Bilaspur. It is further contended that unless & until the repatriation order is passed, the further transfer of the petitioner cannot be made. Learned counsel would further submit that the petitioner was never posted in the School, wherein he has now been posted.

3. I have heard learned counsel for the petitioner and perused the documents.

4. There is nothing on record to show that where the petitioner was initially posted.

The Annexure P-2 only purports that he was posted from District Project Co-ordinator, Rajiv Gandhi Shiksha Mission to District Project Officer, Sakshar Bharat Program, Bilaspur. As per the pleading of the petitioner at para 8.2 the petitioner claims that the petitioner is substantially posted on the post of Lecturer under the School Education Department, however, there is nothing on record to substantiate the same. The Annexure P-2 only shows that from one office to other the petitioner was transferred. Therefore, in absence of any document, no inference can be drawn that the petitioner was never posted at any time in the Government Higher Secondary School V.D.K.P. Kota, Block Kota, District Bilaspur, wherein he has been transferred at present. No orders can be passed on inference and presumption and to pass an order there has to be substantial document on record to appreciate the case. Therefore, after going through the order dated 08.11.2019 (Annexure P-1) I do not find any ambiguity and illegality in the same so as to interfere.

5. The petition has not merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge