

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 10079 of 2019**

Dev Das Khelkar, S/o. Late Sonau Ram, Aged About 44 Years, Working As Teacher (L.B.) At Government Middle School, Bhandarpur, Block Khairagarh, District - Rajnandgaon (C.G.) R/o. Village Devkatta, Police Station Dongargarh, District – Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District - Raipur Chhattisgarh.
2. Director, Directorate Of Public Instruction, Indravati Bhawan, New Raipur, District - Raipur Chhattisgarh.
3. Collector, Rajnandgaon, District - Rajnandgaon Chhattisgarh.
4. District Education Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh.
5. Block Education Officer, Khairagarh, District - Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Govind Dewangan, Advocate
For State /Respondents	:	Ms. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****03.12.2019**

1. This is the second round of litigation. Earlier the petitioner has been transferred from Bhandarpur, Khairagarh to Tolagaon, Khairagarh, which was subject of challenge in WPS No.6422 of 2019 wherein on 26.08.2019 this Court has passed the following orders:

“1. The challenge in the present Writ Petition is to the order Annexure P/1 dated 12.07.2019 whereby the services of the petitioner has been transferred from Bhandarpur, Khairagarh to Tolagaon, Khairagarh.

2. Without entering into the merits of the case, the counsel for the petitioner wants that the petitioner may be permitted to make a representation to the respondents raising the objections and grievances on his being

transferred and the respondents in turn may decide the same as expeditiously as possible.

3. Not opposed.
4. Accordingly, the instant Writ Petition stands disposed off with liberty to the petitioner if he so chooses may prefer a detailed representation to the respondents, which in turn considering the fact that it is a case of transfer, the respondents may decide it as expeditiously as possible preferably within a period of 45 days from the date of receipt of certified copy of this order.”
5. It is contended that thereafter the representation has been filed by the petitioner before the Collector, however, the Collector without any application of facts and grounds raised in the representation has dismissed the representation, therefore, the order of the Collector may be set aside.
6. Reading of the order of rejection of representation Annexure P-1 would show that the Collector has assigned certain reasons and further while dismissing the representation has observed that even if the petitioner is aggrieved by such dismissal of the representation, he may file a further representation before the Screening Committee of the State.
7. Since the petitioner has already given liberty by the order of the Collector itself to further raise his grounds before the Screening Committee, at this stage, this Court do not want to exercise the power under Article 226 of the Constitution to interfere in such order and make any observation on merit. The petitioner, if so advised, may file the representation before the Screening Committee, as has been ordered by the Collector. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge