

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 678 of 2020**

- Ramcharan Rana S/o Lakhmuram Rana Aged About 47 Years Working As Headmaster, Government Middle School, Halbaras, Block - Kuakonda, District - South Bastar Dantewada Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh
2. The Director, Directorate Of Public Instructions, Chhattisgarh, Indravati Bhawan, Mantralaya, Nawa Raipur Chhattisgarh
3. The Collector, District - South Bastar Dantewada Chhattisgarh
4. The District Education Officer, District - South Bastar Dantewada Chhattisgarh
5. The Block Education Officer, Block - Kuakonda, District - South Bastar Dantewada Chhattisgarh

---- Respondents

For Petitioner : Shri K.K. Pandey, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/02/2020**

1. Heard.
2. The challenge in this petition is to the transfer order dated 16.01.2020 (Annexure P-1) whereby the petitioner, who is the Headmaster, has been transferred from Middle School, Halbaras, Block – Kuakonda to Government Higher Secondary School, Barsur, Block Geedam. It is contended that the said transfer order has been passed by the District Education Officer, South Bastar,

Dantewada.

3. Learned counsel for the petitioner would submit that as per the Chhattisgarh School Education Services (Education and Administrative Cadre) Recruitment and Promotion Rules, 2019 the petitioner being the Headmaster holds the Class-II post the Joint Director is the authority who can transfer the petitioner and not the District Education Officer.
4. Learned State counsel do not dispute such fact and would submit that temporary arrangements were made because the petitioner was involved in the political activities and pursuant to the order of the Collector on instructions he was transferred.
5. Be that as it may, since prima facie the District Education Officer appears do not have the power to transfer the petitioner, as petitioner is a Headmaster and Class-II officer, the transfer order of the petitioner is hereby quashed for want of authority. However, the State shall be at liberty to pass any other order by the appropriate authority, if so thought of, under the existing facts if deems fit.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu