

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 798 of 2020

Krishna Kumar Yadu S/o Shri Jagdish Prasad Yadu, Aged About 58 Years Presently Posted As Lecturer, Government Higher Secondary School, Polmi District Korba, R/o Ward No. 1, Bilha, Block And Tehsil Bilha, District - Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, Tahsil And District - Raipur, Chhattisgarh, Pin 492002.
2. Additional Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, Tahsil And District - Raipur, Chhattisgarh, Pin 492002.
3. District Education Officer, District Balodabazar - Bhatapara Chhattisgarh.
4. Amar Singh Ghritlehre S/o Shri Janak Ram Ghritlehre, Aged About 61 Years R/o Block Education Officer, Bhatapara, District - Balodabazar - Bhatapara Chhattisgarh.

---Respondents

For petitioner – Shri Himanshu Pandey, Advocate.
For State-Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

02/03/2020

Heard.

1. The petitioner contends that the petitioner working as Lecturer at Government Higher Secondary School, Polmi, District Korba has been transferred as Block Education Officer, Bhatapara, District Balodabazar. At Bhatapara, District Balodabazar one Amar Singh Ghritlehre was posted who was transferred to Risda, District Balodabazar which was subject of challenge in WPS No.7207 of 2019 (Annexure P-7) on the ground that this petitioner do not hold requisite qualification to be posted as Block Education Officer as per Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019 and the court on 6/09/2019 has passed the following orders:-

“1. Challenge in the present Writ Petition is to the order dated 22.08.2019 whereby the petitioner has been transferred from Bhatapara, district Balodabazar to Risda, district Balodabazar.

2. The grievance of the petitioner is that, the petitioner as of now is working as a Block Education Officer being a senior most Principal available in the department having more than 9 years of experience as a Principal. However, vide the impugned order, the respondent No.3 is being sent as a Block Education Officer in the area where the petitioner is working. The respondent No.3 does not have minimum eligibility criteria required for being appointed or promoted on the post of Block Education Officer. The respondent No.3 is not even a Principal. He is only a Lecturer yet he has been ordered to be given the charge of Block Education Officer.

3. Prima facie, it appears to be in violation of the Rules framed by the State Govt. in this regard in the year, 2019 i.e. Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019 (in short, the Rules, 2019).

4. Given the aforesaid facts, let the respondent No.1 take necessary steps in ensuring that the post of Block Education Officer at Block Bhatapara, District Balodabazar is given to a person who has all the requisite qualification and experience as is required under the Rules, 2019 referred to hereinabove or else the department should ensure that the senior most Principal available in the Block is given the charge of Block Education Officer. Let this exercise be completed within a period of 30 days from the date of receipt of copy of this order. Till then, the effect and operation of the impugned order so far as petitioner as well as respondent No.3 is concerned, shall remain stayed.

5. The present Writ Petition, accordingly stands disposed off.”

2. Learned counsel for the petitioner would submit that subsequently on the basis of the representation of the respondent No.4, the petitioner has been restored back to Korba as Lecturer whereas the other Lecturers have also been posted as Block Education Officer as per order dated 22/08/2019 like Rajesh Kumar Upadhyay, Keshav Ram Sahu, Dwarika Prasad Mishra & ors. He would submit that therefore since orders have been passed without hearing the petitioner, the petitioner may be given liberty to make a representation so that he may also be posted as a Block

Education Officer at some other place.

3. Without any observation on the merit, at this stage since limited prayer has been made by the petitioner that he may be given liberty to make a representation, the petitioner is given liberty to make a representation to the concerned respondent within a period of three weeks from today which may be decided within a further period of 90 days from the date of receipt of the representation.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE