

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVP No. 73 of 2020**

1. 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, District : Raipur, Chhattisgarh
2. The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur , District : 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(Jagdalpur), Chhattisgarh
5. The District Education Officer Bastar, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

---Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate.
For State	:	Mr. Jitendra Pali, Dy. Adv. General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18.05.2020**

1. The present review petition has been filed seeking for review of the order dated 30.09.2019 passed in WPS No. 7951 of 2019. For ready reference, it would be necessary to reproduce the relevant portion of the order dated 30.09.2019:

“Taking into consideration the nature of grievance that the petitioner has, this Court is of the opinion that the petition filed in representative capacity by an association would not be maintainable.”

2. The grievance of the petitioner in the writ petition was withdrawal of the order of attachment in respect of certain teachers/ employees of the State Government, who were working/posted against the non-teaching post. The writ petition was filed by the applicant/petitioner which is a registered and recognized teachers' association. This Court was of the view that since the order of withdrawal of attachment of teachers is an individual cause of action qua the persons who were adversely affected by the said order the writ petition for an individual cause of action cannot be filed in a representative capacity by an association representing more than 450 affected persons. That subsequent to the dismissal of the writ petition, the petitioner had preferred a Writ Appeal No. 189 of 2020, which was subsequently withdrawn with liberty to approach the single bench for appropriate remedy. Thereafter, the present review petition has been filed.
3. The review petition primarily has been filed relying-upon the two judgments of the Hon'ble Supreme Court reported in **AIR 1981 SC 298¹** and **AIR 1981 SC 344²**. A perusal of the two judgments would clearly reveal that the former judgment was in respect of a challenge to the Reservation Policy of the State and the latter was in respect of the decision for sale of a plant. Both these issues were and are common and general in nature and is not an individual grievance.

¹ Akhil Bhartiya Shoshit Karmachari Sangh vs Union of India

² Fertilizer Corporation Kamgar Union vs Union of India

The Hon'ble Supreme Court in the said backdrop has decided and held that the writ petition through an association is maintainable.

4. The facts involved in the present review petition is a cause of action which is an order of the State Government withdrawing the order of attachment of teachers/employees, which is an individual administrative action qua the respected teachers/employees. In the said circumstances, the present writ petition through an association in a representative capacity on behalf of more than 450 aggrieved persons would not be maintainable. This Court, however, had reserved the right of the individual teachers/employees who were adversely affected to challenge the action by way of a fresh proceeding.
5. Since the two judgments of the Supreme Court referred to by the learned counsel for the petitioner is distinguishable on its facts itself considering the nature of dispute raised in the two judgments, this Court is of the firm view that these judgments would not be attracted in the facts of the present case. Given the said facts, this Court does not find any strong case made out by the petitioners calling to review of the order dated 30.09.2019.
6. Reserving the same, liberty for the individual teachers/employees to challenge the same, if they so want, the review petition stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE