

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1843 of 2020**

- Vijay Tande S/o M.L. Tande Aged About 50 Years R/o Devnandan Nagar, Seep Road, Chantidih, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh
2. The Joint Director Directorate Of Public Instructions, Chhattisgarh, Indravati Bhawan, Mantralaya, Nawa Raipur Chhattisgarh
3. The District Education Officer Bilaspur, District Bilaspur Chhattisgarh
4. Dr. Sanjeev Shukla Working As Lecturer, Govt. Higher Secondary School, Chantidih, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri K.K. Pandey, Advocate

For Respondents/State : Shri Alok Bakshi, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/05/2020**

1. Heard.
2. The facts of this case are that the petitioner was initially transferred by order dated 22.08.2019 from Assistant District Project Officer, Janjgir, District Janjgir-Champa to the office of Block Education Officer, Kota, District Bilaspur. One M.L. Patel was working as Block Education Officer, Kota, he filed a writ petition before this Court, wherein for a limited period a restraint order was passed by

this Court in WPS No.6601/2019 on 28.08.2019 and transfer of M.L. Patel was stayed for limited period.

3. It is contended that M.L. Patel was suspended subsequently, in a result thereof the post of M.L. Patel of Block Education Officer fell vacant. It is stated that since on the earlier occasion the petitioner could not join to the transferred place for the restraint order passed in the earlier writ petition. It is contended that the petitioner may be posted as Block Education Officer, Kota as of now since it has fallen vacant. It is further contended that the petitioner has filed the representation before the Secretary, School Education Department, which may be directed to be decided.
4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the petitioner and would submit that it is the prerogative of the State to appoint a particular person to a particular post and the petitioner has already been posted as Principal, Government High School, Umariyadadar, Block Kota, District Bilaspur. He would further submit that the charge of Block Education Officer has already been given temporarily to some other person.
5. Be that as it may, without any observation on the merits of the case, it is directed that since the representation has already been filed by the petitioner which is pending adjudication at the end of the Secretary, School Education Department, the same shall be decided within a further period of 60 days from the date of receipt of copy of this order.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge