

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3048 of 2020**

- Sohan Lal Nishad S/o Late Rati Lal Nishad Aged About 51 Years R/o Qtr.No. I/37, Irrigation Colony, Near Bazaar Para, Ps Civil Lines, Rudri, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner Scheduled Caste And Scheduled Tribe Development Department, Indrawati Bhawan, Atal Nagar, Nava Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. N. Naha Roy, Advocate
For State	:	Ms. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****10-08-2020**

1. Heard.
2. Challenge in this writ petition is to the order dated 29-6-2020 (Annexure P/1) whereby the petitioner, who was discharging the job of Accountant with respondent No.3/ District Education

Officer, Dhamtari has been relieved from the original place of posting i.e., Government Higher Secondary School, Siyarinala, Block Nagri, District Dhamtari.

3. Learned counsel for the petitioner would submit that as per circular of the State Government dated 12-8-2015 (Annexure P/2), since the school was being managed by the Scheduled Castes and Scheduled Tribes Development Department as also by the School Education Department, the affairs of management including payment of scholarship was to be done in coordination with each department. He would further submit that the petitioner was specially deployed to discharge the job of distribution of minority scholarship which pertains to Scheduled Castes and Scheduled Tribes students. It is stated as of now, the District Education Officer, without there being any consultation or by any recommendation from any department, unilaterally relieved the petitioner to join his original place of posting, therefore, the order (Annexure P/1) requires to be interfered with and quashed.
4. On the other hand, learned State counsel refers to Annexure P/4 dated 1-5-2017 and would submit that the order to relieve the petitioner from the present place of posting i.e., Government Higher Secondary School, Siyarinala, was passed in the year 2017, however, the same was not being executed and lately it was implemented on 29-6-2020,

therefore, there is no merit in the petition.

5. Perused the documents. The petitioner by order dated 29-7-2015 (Annexure P/3) was posted as Accountant in the office of District Education Officer. Annexure P/4 dated 1-5-2017 is the subsequent order which would show that the petitioner was relieved back from his place of posting in the year 2017 to his original place of posting, however, because of representation was made by the petitioner, the relieving was kept in hold. Lately, the same is being executed as of now by order dated 29-6-2020. With reference to Annexure P/2 dated 12-8-2015 though the circular has been made that in respect of certain scheme in the School Education Officer are to be implemented by both Scheduled Castes and Scheduled Tribes Development Department and Education Department which would be run with co-ordination to each other, the same cannot be read in favour of the petitioner in isolation. In order to implement the scheme of Government, it is for the employer i.e., the State to ascertain the fact as to whether a person would be a fit person to discharge/perform a particular job and after discharge of job he is placed somewhere else, the entire work cannot come to a stand still. It is prerogative of the State to place its employee to different position to get the work executed. The petitioner, *prima facie*, was relieved on 1-5-2017, however, the same was implemented immediately but

was done subsequently as of now, as facts would suggest on a representation being filed, the same was kept in abeyance.

6. Considering the Annenxure P/1 dated 29-6-2020 which shows that the petitioner has been relieved from the place of posting i.e., Government Higher Secondary School, Siyarinala to join the original place of posting, I do not find any illegality or perversity in the impugned order to interfere in exercise of power under Article 226 of the Constitution of India.
7. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju