

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3525 of 2020**

Luxman Kumar Sharma S/o Late Ram Pravesh Sharma Aged About 52 Years Presently Working On The Post Of In Charge Block Education Officer Manora Block Manora District Jashpur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education New Raipur, District Raipur Chhattisgarh.
2. The Divisional Joint Director Public Education Surguja Division Ambikapur District Surguja Chhattisgarh.
3. Collector Jashpur, District Jashpur Chhattisgarh.
4. District Education Officer Jashpur, District Jashpur Chhattisgarh.
5. Narendra Kumar Singh Substantive Post Of Lecturer, Presently Posted In The Office Of Joint Director Public Education Surguja Division Ambikapur District Surguja Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. A.N.Pandey, Advocate
For Respondents/State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

01.09.2020

1. Learned counsel for the petitioner submits that the petitioner's substantive post is Lecturer and by the order of the Collector dated 22.11.2019, he was posted in the charge of Block Education Officer, Block Manora, District Jashpur. Subsequently, by order dated 04.05.2020, the respondent No.5 who is much junior to the petitioner is being replaced and according to the gradation list, the respondent No.5 cannot be replaced being junior as incharge of higher post which is against the circular of the State. It is stated as per circular of the State the charge is to be given to the senior most. He further submits that there is ban of transfer as of now, therefore, the order cannot be given effect to.

2. Learned State counsel opposes the argument.
3. Perusal of Annexure P-3 would show that one A.K.Guru who was working with Block Education Officer was posted at other place on medical ground. Under those circumstances, petitioner was temporarily posted at Block Education Officer, Block Manora, District Jashpur on 22.11.2019 and was given charge. Subsequently by the impugned order dated 04.05.2020, the petitioner has been sent back to the original place of posting as Lecturer of the Government High School, Patthalgaon wherein he was working. Reading of both the order dated 22.11.2019 (Annexure P-3) and the order under challenge dated 04.05.2020 (Annexure P-1) would show that initially since one of the person fell ill, the petitioner was given the charge in the office of Block Education Officer and then subsequently respondent No.5 has been placed as incharge and petitioner is sent back to his original place of posting. It is not a case that both the petitioner and respondent No.5, who are placed in the same office and one junior is given the charge ignoring the senior most one. Both the petitioner and respondent No.5 are foreign to the office of Block Education Officer, Block Manora. The petitioner is being sent back to the original place of posting as Lecturer in the Government School at Patthalgaon. In those circumstance, it cannot be stated that the respondent No.5 being the junior cannot be given the charge of the office. Furthermore, the arrangement which has been arrived at was appears to be temporary one because one A.K.Guru who sought transfer on the medical ground, therefore, temporary arrangements were made and it cannot be termed as a transfer. In view of this, I am not inclined to entertain this petition as no merit exists.
4. Accordingly, the petition is dismissed.

Aks

Sd/-
Goutam Bhaduri
Judge