

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.3351 of 2013**

- Om Prakash Dharmvanshi, S/o Chandulal Dharamvanshi, Aged About 39 Years, Lecturer (Panchayat), Govt. Middle School Pacheda, Bagbahra, PS Bagbahra, Distt Mahasamund, Chhattisgarh

----- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Panchayat and Social Welfare Department, New Mantralaya, Bhawan, Raipur, Chhattisgarh
2. Chief Executive Officer, Jila Panchayat Mahasamund, Distt Mahasamund, Chhattisgarh
3. Principal Govt. Higher Secondary School, Pacheda, Distt Mahasamund, Chhattisgarh
4. Asha Sinha Posted As Lecturer (Panchayat) Govt. Higher Secondary School, Pacheda, Distt Mahasamund, Chhattisgarh

----- Respondents

For Petitioner	Mr. V. K. Sharma, Advocate
For Respondent-State	Mr. Animesh Tiwari, Dy. AG

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****15/09/2021**

1. Mr. V. K. Sharma, learned counsel for the petitioner, would submit that the petitioner was initially appointed as Shiksha Karmi

Grade-II and thereafter he was promoted to the post of Shiksha Karmi Grade-I (Political Science) and was posted at the Government Middle School, Pacheda, Block Bagbahara against the sanctioned post of Shiksha Grade-I, which was only one in number, but despite the said fact, the respondent No.4, who is also Shiksha Karmi Grade-I in the same subject, has been transferred in the petitioner's school and after her joining, the petitioner has been transferred in the Government High School, Temri in the same block vide the impugned order dated 20.09.2013 (Annexure-P/2) showing the petitioner as excess employee as per the rationalization policy (Annexure-P/1) passed by the Secretary, who has no jurisdiction to issue any government policy, therefore, the impugned order deserves to be set aside.

2. Mr. Animesh Tiwari, learned State counsel, would support the impugned order.
3. After hearing learned counsel for the parties and after going through the records and taking into consideration the time factor since the

date of transfer of the petitioner to till date and further considering the scope of interference in the order of transfer, I do not consider the present to be a fit case to entertain.

4. Accordingly, the writ petition is dismissed.
No order as to cost (s).

Sd/-

Sanjay K. Agrawal
Judge

Nirala