

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.2582 of 2010

Indarsai Bhuarya, S/o Shri Navalsingh Bhuarya, Aged about 53 years, working as Lecturer at Govt. Higher Secondary School, Mangchuwa, District Durg, R/o Village Bharritola, Post Mangchuwa, Block & Tehsil Daundi Lohara, District Durg (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Director/Commissioner, Lok Shikshan Sanchanalaya, Raipur (C.G.)

---- Respondents

 For Petitioner: Mr. Vinod Kumar Sharma, Advocate.
 For Respondents/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/07/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Mr. Vinod Kumar Sharma, learned counsel appearing for the petitioner, would submit that the petitioner was promoted on the post of Lecturer (Political Science) by order dated 28-8-2009, but by the impugned order dated 22-4-2010 (Annexure P-1), his order of promotion has been cancelled without giving opportunity of hearing to him which is in teeth of the principles of natural justice and is liable to be set aside.
3. Mr. Avinash Singh, learned Panel Lawyer appearing for the State / respondents, would support the impugned order and would submit that the petitioner was not trained and qualified for the post of Lecturer

(Political Science), therefore, his promotion order has been set aside.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
5. Undisputedly, the petitioner was promoted on the post of Lecturer (Political Science) on 28-8-2009 in the pay-scale of ₹ 5,500-9,000/- (revised pay band ₹ 9,300-34,800/-, grade pay ₹ 4,300/-), but by the impugned order, his promotion order has been cancelled on the ground of not being trained on the said post. Once the order of promotion has been granted in favour of the petitioner, that could not have been withdrawn without affording reasonable opportunity of being heard and without issuing notice to the petitioner, as it involves civil consequences of taking his right to hold the post of Lecturer (Political Science). Accordingly, the impugned order dated 22-4-2010 (Annexure P-1), qua the petitioner, is set aside. However, the respondents are at liberty to proceed in accordance with law.
6. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge