

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 42 of 2021***(Arising out of order dated 17.12.2020 passed by the learned Single Judge in WPS No. 5407 of 2020.)*

Smt. Pooja Shukla W/o Shri Nirmal Kumar Sharma Aged About 33 Years Presently Posted As Assistant Grade Iii At Government Higher Secondary English Medium Excellent School, Mahalpara, Block Baikunthpur, District Koriya Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary School Education Department, Mantralaya, mahanadi Bhawan, Nawa Raipur, District Raipur Chhattisgarh.
2. Under Secretary School Education Department Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh.
3. Director, Directorate of Public Instruction Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh.
4. Joint Director, Directorate of Public Instruction Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh.
5. Collector, Koriya District Koriya Chhattisgarh.
6. District Education Officer Koriya, district Koriya, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Varun Sharma, Advocate.
For Respondents-State	:	Shri Ashish Tiwari, Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge
Judgment on Board

Per P. R. Ramachandra Menon, Chief Justice**12.02.2021**

1. Transfer of the Appellant, who is working as Assistant Grade-III, from the Government Higher Secondary English Medium Excellent School, Mahalpara, Block-Baikunthpur, District-Koriya to the Government High

School, Khandoura, Block Khadgawan, District Koriya is the subject matter involved. Challenge is against the verdict passed by the learned Single Judge, declining interference but for permitting the Appellant/Writ Petitioner to pursue the remedy by filing a representation before the 1st Respondent, without any order to protect the rights and interests in the meanwhile.

2. The learned counsel for the Appellant submits that a policy decision was taken by the State of Chhattisgarh to convert some Hindi Medium Schools into English Medium Schools and it was in the said backdrop, that the Competent Authority converted the Government Higher Secondary School Mahalpara, Block Baikunthpur, District Koriya into English Medium School. According to the Appellant, the State Council of Educational Research & Training, Raipur (SCERT) has issued guidelines on 03.03.2020 for appointment of teaching staff in the converted English Medium Schools. It is stated as mentioned there, that in addition to the teaching staff in the selected schools, the other staff will continue to work in the Institution. It is contended that by virtue of the policy decision taken by the Government and the guidelines issued by the SCERT, the non-teaching staff of the School are not intended to be disturbed. It is without regard to the said fact that the Appellant was transferred as per Annexure-P/1 order dated 08.12.2020, which was put to challenge in the writ petition. The learned counsel submits that, under similar circumstances, Annexure A/2 order has been passed by the learned Single Judge (on the previous day) protecting the rights and interest of the said writ Petitioner by granting stay of the impugned proceedings till the representation was considered and finalized. In the instant case, though it was passed on the very next day, no such relief has been granted and hence the grievance.
3. It is seen that the Annexure A/2 verdict was passed by the learned Single Judge on 16.12.2020, which was just one week after passing the impugned

order of transfer on 08.12.2020. We are of view that the '*status quo*' as on date can be ordered to be maintained till the representation preferred / to be preferred by the Appellant in terms of the verdict passed by the learned Single Judge vide Annexure A/1 is considered and finalized.

4. In the above circumstances, after hearing the learned counsel for the Appellant and the learned Government Advocate for the Respondents-State, we make it clear that the '*status quo*' as on date shall be maintained till the representation of the Appellant / Writ Petitioner is considered and finalized, which shall be done as expeditiously as possible, at any rate within 'one month' from the date of receipt of a copy of this judgment.
5. The operative portion of the judgment passed by the learned Single Judge as contained in paragraph 5 stands modified to the said extent.
6. The appeal stands disposed of as above.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge