

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1694 of 2021**

1. Dayal Ram Gajendra S/o Late Vikram Gajendra Aged About 61 Years Presently Working On The Post Of Block Education Officer Dhamtari District - Dhamtari Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through - The Secretary, Department Of School Education Atalnagar, New Raipur, District - Raipur - Chhattisgarh
2. Director, Directorate Of Public Education Indrawati Bhawan Atalnagar New Raipur District Raipur Chhattisgarh.
3. Smt. Rajani Nelson Presently Posted As In-Charge District Education Officer Dhamtari District - Dhamtari Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. A. N. Pandey, Advocate.
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30.09.2021**

1. The grievance of the petitioner in the present writ petition seems to be the issuance of impugned order Annexure P/1 dated 24.07.2020. Vide the said impugned order, the respondent No. 3 has been made the In-charge District Education Officer for District Dhamtari.
2. Counsel for the petitioner submits that the petitioner is much senior to the respondent No. 3. Both the petitioner as also the respondent No. 3 are substantively holding the post of Principal. The petitioner was at the

relevant point of time already posted at District Dhamtari and was working as a Block Education Officer in Dhamtari. Whereas the respondent No. 3 apart from being much junior to the petitioner, was also not working within District Dhamtari and was posted at District Durg before the impugned order Annexure P/1 was passed. This has given rise to the grievance of the petitioner whereby in spite of being senior and being available in District Dhamtari itself, the petitioner has not been given the charge of District Education Officer but the charge has been given to a person from outside the district and also a person who is much junior to the petitioner.

3. Counsel for the petitioner referred to a circular of the State Government dated 04.08.2011, whereby there is a policy decision of the State Government to ensure that a charge always should be handed over to a senior most person available in the department at the station.
4. Given the said facts and circumstances of the case, the writ petition at this juncture is disposed of directing the respondents No. 1 & 2 to take an appropriate decision on the claim of the petitioner for being made In-charge principal considering the seniority of the petitioner qua the seniority of the respondent No. 3. Let an appropriate decision be taken by the respondents in this regard at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.

The present writ petition stands disposed of.

Sd/-

P. Sam Koshy
Judge