

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2512 of 2021**

Bageshwari W/o Shri Khilesh Kumar Sahu, Aged About 24 Years R/o Village Pandrikala Baldevpur, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary School Education Department Ministry, Mahanadi Bhawan, Po and Ps Rakhi, Nawa Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Director, Directorate Of Public Instruction Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Joint Director, School Education Department, Durg Division, Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. Amrito Das, Addl. AG

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17.06.2021**

1. The limited grievance that the petitioner has in the present writ petition is that the respondents have considered appointing the petitioner to the post of Teacher at Durg division (T Cadre) which was not the first preference given by the petitioner.
2. According to the petitioner, he had opted for the post of Teacher in E-Cadre but contrary to his preference he has been given appointment under T-Cadre at Durg Division. According to the petitioner there are still some vacancies available in the E-Cadre at Durg where he can be

accommodated. According to the petitioner, he/she has already made a representation to the authorities concerned in this regard.

3. At the outset, this Court is of the opinion that the petitioner does not have as a matter of right any claim for being considered for appointment in accordance with the order of preference for posting which the petitioner had given. It was only a preference sought by the authorities which has to be considered as far as possible in accordance with procedure. In case the authorities have considered granting the petitioner appointment in T-Cadre at Durg Division, it cannot be said to be in any manner arbitrary or malafide. However, in case the petitioner makes an appropriate representation to the authorities concerned for change of the place of posting in accordance with the preference that she had given, the authorities would be free to take an appropriate decision on its own merits in accordance with law.
4. It is made clear that this Court has not expressed any opinion on the merits of the case so far as the entitlement of the petitioner is concerned, the authorities are expected to take a decision purely on its own merits subject to the availability of vacancies etc. on the administrative side at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
5. It is made clear that the pendency of the representation of petitioner would not preclude the respondents from proceeding further with the recruitment process and they would be free to issue appropriate orders

to all the eligible/selected candidates in accordance with the rules governing the field.

6. The writ petition thus stands disposed of.

**Sd/-
P. Sam Koshy
Judge**

Rohit