

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPS No. 2674 of 2021**

- Smt. Shyama Dewangan W/o Shri Kamlesh Dewangan, aged about 35 years, posted at Assistant Teacher, Government Primary School Mokha, Block Development Dhamtari, District Dhamtari, Chhattisgarh

-----Petitioner**VERSUS**

1. State of Chhattisgarh through: Secretary, School Education Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The District Education Officer, Dhamtari, District Dhamtari, Chhattisgarh
3. Collector, Dhamtari, District Dhamtari, Chhattisgarh

-----Respondents

For Petitioner	: Mr. Kunal Das, Advocate
For Respondent- State	: Mr. Ashish Tiwari, Government Advocate

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****31/05/2021**

1. Learned counsel for the petitioner submits that the petitioner is working as Assistant Teacher at Government Primary School Mokha, Block Dhamtari, District Dhamtari. He submits that the petitioner is discharging her duties with devotion and honesty. The matrimonial dispute arose between the petitioner and her husband due to which the petitioner has filed a matrimonial dispute (petition for divorce) before the Competent Court at Dhamtari. He submits that after raising matrimonial dispute, the petitioner is residing separately at Dhamtari whereas her husband is residing at village Mokha, Block Dhamtari. The petitioner is performing her duty, traveling from Dhamtari to village Mokha but her husband obstructs her way, misbehaves and threatens to suffer dire consequences. Petitioner has moved an application before the Collector, Dhamtari, Respondent 3, for posting her to some other place. Learned counsel further submits that as per the

information gathered under the Right to Information Act, 2005 with respect to vacant post available at the Government Schools within the territorial jurisdiction of Block Development Officer, Dhamtari and as per the information supplied vide annexure P-3, one post is available at Naveen Primary School, Brahmanpara, Civil Line Dhamtari. He further contended that the petitioner has moved applications seeking change of place of posting for the reason assigned therein on 05.10.2020 and 09.11.2020 but till date the representations/ applications submitted by petitioner have not been considered and decided by Respondent 2 and Respondent 3. He submits that Respondents be directed to post the petitioner at Brahmanpara, Pandit Motilal Nehru School, Dhamtari.

2. Mr. Ashish Tiwari, learned counsel for the State submits that as per the case of the petitioner herself, representation/ application submitted by her is pending consideration before Respondents 2 and 3, it is for the respondents to consider whether the petitioner has a case for change of place of posting and whether the post is available at the particular school or not. Respondents 2 and 3 will consider the representation/ application submitted by petitioner and decide the same expeditiously.
3. I have heard learned counsel for the respective parties and also perused the record.
4. Taking into consideration the nature of grievance raised by the petitioner only with respect to change of place of posting on the ground that the due to some family dispute and filing of application for divorce before the Competent Court, husband of petitioner, residing at village Mokha where the petitioner is posted, misbehaves with the petitioner and threaten her when she was on the way to discharge her duty, further considering that the petitioner has already made an application much before on 05.10.2020 for change of place of posting before Respondents 2 and 3 but till date the

representation/ application has not been decided and still pending consideration, I find it appropriate to direct Respondents 2 and 3 to consider the representation and decide the same.

5. In view of the above, Respondents 2 and 3 are directed to consider and decide the representation filed by petitioner on 05.10.2020 as expeditiously as possible, petitioner is also directed to submit a fresh representation along with copy of writ petition and relevant documents within a period of 10 days from today to Respondents 2 and 3 and in turn Respondents 2 and 3 shall decide the representation within a further period of four-weeks from the date of receipt of representation in an objective manner.
6. With the aforesaid observation and the direction, the writ petition stands disposed of.

Sd/-
(Parth Prateem Sahu)
Vacation Judge