

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3159 of 2021

Roopnarayan Kushwaha S/o Late Luxman Ram Kushwaha Aged About 55 Years Presently Working On The Post Of Headmaster/ Circle In-Charge Of Circle Resource Center- Middle School Basdei Block Surajpur, District Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Director Directorate Of Public Education Indrawati Bhawan New Raipur, District Raipur, Chhattisgarh
3. Managing Director State Project Office Holistic Education 2nd Floor Chhattisgarh Board Of Secondary Education Pension Bada Raipur, District Raipur, Chhattisgarh
4. Collector/ District Mission Coordinator Holistic Education Surajpur, District Surajpur, Chhattisgarh
5. The District Education Officer Surajpur, District Surajpur, Chhattisgarh., Chhattisgarh
6. Block Education Officer Surajpur, District Surajpur, Chhattisgarh
7. Ramchandra Prasad Soni Presently Working On The Post Of Lecturer (L.B) In-Charge Principal At Government Higher Secondary School Basdei, District Surajpur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri A. N. Pandey, Advocate.
For State/Res.1	:	Shri Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/07/2021

1. The grievance of the petitioner in the present writ petition is to the order dated 12.04.2021 passed by the respondent no.5 whereby the respondent no.7 has been posted as a Circle In-charge of the Circle Resource Center, Basdei Block Surajpur District Surajpur.

2. Grievance of the petitioner is that the respondent no.7 is much junior to the petitioner. It is also the contention of the petitioner that he is already a Circle In-charge posted at the said place for quite some time.
3. The petitioner also drew the attention of this Court to an earlier order similarly passed by the respondents in the year 2017 and the said order was subjected to challenge by the petitioner vide WPS No.1438/2017 and this Court vide order dated 24.03.2017 stayed the effect and operation of the order dated 27.02.2017 whereby another junior person was posted as a Circle In-charge instead of the petitioner in spite of the petitioner being senior. The said writ petition and the said interim order is still pending and in operation. In spite of that operation of the interim order by this Court the respondents have now again passed an impugned order appointing the respondent no.7 as a Circle In-charge ignoring the seniority of the petitioner.
4. Counsel for the petitioner submits that till date the order has not been acted upon and it is the petitioner who is still holding the charge of In-charge. It is reflected that petitioner has not made any representation/objection against the said order, to the respondents till date and have straight away filed the writ petition.
5. Taking into consideration the entire factual backdrop as it stands, particularly the pendency of the said writ petition earlier filed by the petitioner in the year 2017 i.e. WPS 1438/2017 and an interim order granted by this Court in the said case on 24.03.2017, this Court is of the opinion that let petitioner first submit his representation/objections to the respondent no.4 & 5 in this regard. The respondent no.4 & 5 in turn shall consider the representation/objections of the petitioner on its own merits in accordance with law at the earliest preferably within a period of 60 days.

6. Meanwhile, purely as an interim measure, taking into consideration the earlier interim order passed by this Court which is still in operation and also taking note of the submissions made by the petitioner that order dated 12.04.2021 has not been acted upon till date, so far as petitioner and respondent no.7 are concerned. Let status quo as it exists today be maintained till the representation/objections is finally decided.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit