

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.409 of 2013**

- Smt. Pritima Trivedi, W/o Shri S. N. Trivedi, aged about 32 Years, Shiksha Karmi Grade-I, (Lecturer Panchayat) presently working on the post of Superintendent Kasturba Gandhi Balika Awasiya, Vidhyalaya, Janakpur, PS Janakpur, Block Bharatpur, Distt. Korea, Chhattisgarh

----- Petitioner**Versus**

- 1.State of Chhattisgarh Through Secretary, Panchayat and Rural Development Deptt, Mahanadi Bhawan, Naya Raipur, Distt Raipur, Chhattisgarh
- 2.The Collector, Distt. Korea (Baikunthpur), Chhattisgarh
- 3.The Chief Executive Officer, Paden Zila Pariyojana Sanchalak, Rajiv Gandhi Shiksha Mission, Distt Korea (Baikunthpur), Chhattisgarh
- 4.District Project Coordinator, Rajiv Gandhi Shiksha Mission, Distt Korea (Baikunthpur), Chhattisgarh
- 5.Smt. Rufina Xalxo, Head Master (Ashram Adhishika), At Girls Middle School Janakpur, presently working at Aadi, Sayukt Ashram Janakpur, PS Jankpur, Block Bharatpur, Distt Korea, (Baikunthpur), Chhattisgarh

----- Respondents

For Petitioner	Mr. A. S. Rajput, Advocate
For Respondent-State	Mr. Siddharth Dubey, Dy. GA
For Respondent No.5	Mr. Jitendra Shrivastava, Advocate

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

27/08/2021

1. This writ petition is directed against the order dated 12.02.2013 (Annexure-P/5) passed by the respondent No.2, whereby the respondent No.5 has been directed to perform the job of Hostel Superintendent in Kasturba Gandhi Balika Awasiya Vidyalaya, Janakpur, Block Bharatpur, District Korea.
2. Mr. A. S. Rajput, learned counsel for the petitioner, would submit that the impugned order has been passed without affording opportunity of hearing to the petitioner and the charge of the Superintendent has been directed to be given to the respondent No.5, who is only the Headmaster, therefore, the impugned order is liable to be set aside.
3. Mr. Siddharth Dubey, learned State counsel and Mr. Jitendra Shrivastava, learned counsel for the respondent No.5 would support the impugned order.
4. I have heard learned counsel for the parties,

considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. The petitioner was initially appointed on the post of Shiksha Karmi Grade-II in the year 2005 and thereafter vide order dated 21.12.2012 (Annexure-P/2), she was promoted to the post of Shiksha Karmi Grade-I (Lecturer Panchayat). Subsequently, vide order dated 03.09.2012 (Annexure-P/3), she was given the charge of Hostel Superintendent, Kasturba Gandhi Balika Awasiya Vidyalaya, Janakpur, Block Bharatpur, District Korea. By the impugned order dated 12.03.2013 (Annexure-P/5), the charge of Hostel Superintendent, Kasturba Gandhi Balika Awasiya Vidyalaya, Janakpur, Block Bharatpur, District Korea has been directed to be given to respondent No.5, which has been called in question by way of this writ petition.

6. The petitioner was holding the substantive post of Shiksha Karmi Grade-I (Lecturer Panchayat) and by order dated 03.09.2012, she was given the additional charge to perform the

duties of Superintendent in addition to the substantive post of Shiksha Karmi Grade-I (Lecturer Panchayat), which she was already holding in the same place.

7. The respondent No.5 was working as Head Master at Girls Middle School, Jankapur, Block Bharatpur, District Korea and by the impugned order dated 12.02.2013 (Annexure-P/5), she has been directed to work on the post of Superintendent also in addition to the post of Head Master, which she was holding. The submission that the opportunity of hearing is required to be given to the petitioner before passing the impugned order is *sans merit*. It is the additional charge and it is the discretion of the Collector to pass an order to entrust the competent officer to perform the job of Superintendent at Kasturba Gandhi Balika Awasiya Vidyalaya Janakpur, Block Bharatpur, District Korea and no person can claim to hold any additional post apart from the substantive post which he is already holding, therefore, the argument that the petitioner ought to have been afforded

opportunity of hearing before passing the impugned order is liable to be rejected.

8. Since the interim order dated 18.02.2013 is already operating, by which the petitioner has been working on the post of Superintendent, Kasturba Gandhi Balika Awasiya Vidyalaya Janakpur, Block Bharatpur, District Korea and on the strength of interim order, she has already worked for 8 years, this writ petition is disposed of with a direction to the respondent No.2, Collector, District Korea to pass a fresh order based on adequate reasons in accordance with law, rules, regulations, guidelines etc. within a period of 30 days from the date of receipt of copy of this order. No order as to cost (s).

Sd/-

Sanjay K. Agrawal
Judge

Nirala