

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4937 of 2021

Rakesh Kumar Jagat, S/o Shri Kheekh Lal, Aged About 28 Years R/o Village - Salihapara, Post - Murli, Tahsil - Hardi Bazar, Police Station Hardibazar, District - Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh
2. The Director, Public Education Department, Indravati Bhawan, New Mantralaya, Raipur Chhattisgarh
3. The Commissioner, Bilaspur Division, Bilaspur Chhattisgarh
4. The Collector, District - Korba, Chhattisgarh
5. The Collector, District - Raigarh, Chhattisgarh
6. The Joint Director, Education Division, Bilaspur Chhattisgarh
7. The District Education Officer, District - Korba, Chhattisgarh
8. The District Education Officer, District - Raigarh, Chhattisgarh
9. The Block Education Officer, Tamnar, District - Raigarh, Chhattisgarh
10. The Principal / Head Master, Middle Schoole Rabo, Block - Tamnar, District - Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Alok Pandey, Advocate.
For State	:	Ms. Abhyunnati Singh, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

09/09/2021

1. Present writ petition has been filed claiming for following reliefs :-

“10.1 The Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner for its kind perusal.

10.2 That the Hon'ble Court may kindly direct the respondent no.6 that the respondent no.6 may amend the appointment cum posting order of the petitioner dated 24.08.2021 looking to the circular in respect of posting to the person belongs of Surguja, Bastar and Korba for which the petitioner has already submitted a representation dated 01.09.2021, which is still pending for consideration before the respondent no.6.

10.3 That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deem fit and appropriate.

10.4 Cost of the petition may also be given.”

2. The facts of the present case is that the petitioner had appeared for selection to the post of Teacher in Biology in 'T' Cadre. The petitioner had applied arising out of the advertisement that was published on 09.03.2019. The petitioner was selected vide Annexure P-2 dated 24.08.2021. The petitioner has been granted posting at Middle School Rabo, Block Tamnar Block Tamnar District Raigarh. The petitioner now through the present writ petition wants an appropriate direction to the respondents to consider change of place of posting of the petitioner from Raigarh to Korba where the petitioner is presently residing.
3. At the outset, this Court is of the opinion that such reliefs cannot be entertained exercising the Writ Jurisdiction under Article 226. The place of posting, tenure of posting and other service conditions are exclusively to be decided and is also within the domain of employer. The petitioner at best can only make a representation to the authorities for any change of posting but that can only be considered only after the petitioner come in employment of the respondents. As of now it is only an order of appointment issued and unless the petitioner accepts the same and joins

the services, the respondents may not be in a position to entertain the application of the petitioner.

4. Nonetheless, if the petitioner approaches the respondents for any suitable modification, if permissible, the respondents may consider and decide the same on its own merits in accordance with law.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit