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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5176 of 2021**

Mukesh Kumar Mishra S/o Shri Umakant Mishra Aged About 44 Years R/o B-37, Dreams Enclave, Ashok Nagar, Sarkanda, Bilaspur, Chhattisgarh, Presently Posted As - Assistant Block Education Officer, Bilha, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of School Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur Chhattisgarh.
2. The Upper Secretary Department Of School Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur Chhattisgarh.
3. District Education Officer District Bilaspur, Chhattisgarh.
4. Raghuveer Rathore (Lecturer) Block Education Officer, Bilha, District Bilaspur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Kalyan Ji Kalamkar, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G. Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/09/2021**

1. The grievance of the petitioner in the present writ petition is the fact that the petitioner, who is working on the post of Assistant Block Education Officer, is not being considered for promotion to the post of Block Education Officer and he is also not being given the charge of Block Education Officer in the absence of a regular Block Education Officer.

2. The grievance of petitioner in the instant case is that vide Annexure P/1 dated 06.09.2021 the respondents have ordered for grant of charge of the Block Education Officer to one of the Lecturers, who otherwise is not eligible to be promoted to the post of Block Education Officer from the post of Lecturer. Moreover, the petitioner who is an Assistant Block Education Officer and has all the requisite criteria for being promoted to the post of Block Education Officer, his claim has been ignored while granting the charge of Block Education Officer and the same has been given to the respondent No.4.
3. Under the Rules, 25% of the posts of Block Education Officer has to be filled from among the Assistant Block Education Officer, however, ignoring this aspect, according to the petitioner, in the recent past, the Government has given the charge of Block Education Officer to the Lecturers, overlooking or ignoring the claim of the petitioner, who could be either promoted on regular basis on the post of Block Education Officer under the 25% quota or could have been made the Incharge Block Education Officer till regular promotion is made.
4. The State Authorities shall also consider and decide the claim of the petitioner keeping in view the circular of the State Government dated 04.08.2011, whereby the government itself had issued a direction that the charge of a post which has fallen vacant shall be given only to the senior most person available at the station, which further stood clarified vide order dated 14.07.2014 in this regard.
5. Given the limited grievance that the petitioner has, in the opinion of this Court, ends of justice would meet if the writ petition at this

juncture is disposed of directing the petitioner to raise a fresh representation in respect of his claim to the respondent No.2, who in turn shall scrutinize the claim of the petitioner and shall consider the same in accordance with the provisions of law and try to redress the grievance of the petitioner at the earliest preferably within a period of 45 months from the date of receipt of the copy of this order.

6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 572 of 2021**

1. Mukesh Kumar Mishra S/o Shri Umakant Mishra, Aged About 43 Years R/o F 4/7, Friends Colony, Sarkanda, Bilaspur Chhattisgarh. Presently Posted As- Assistant Block Education Officer, Bilha, District Bilaspur Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur Chhattisgarh,
2. The Upper Secretary, Department Of School Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur Chhattisgarh,
3. District Education Officer, District Bilaspur Chhattisgarh,
4. Raghuveer Rathore (Lecturer), Block Education Officer, Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----**Respondents**

For Petitioner	:	Mr. Kalyan Kalamkar, Advocate.
For State	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

29.10.2021

1. The present MCC has been filed seeking modification of the order dated 24.09.2021 passed in WP(S) No. 5176 of 2021.
2. The modification sought for is to the clerical error that has crept in the order to the extent that the direction to decide the representation of the petitioner was to be decided within 45 days. However inadvertently the period has been wrongly mentioned as "45 months" instead of "45 days" and thus the modification has been sought for.
3. The limited request is not opposed by the State Counsel

4. Accordingly, the MCC stands allowed. The order dated 24.09.2021 passed in WP(S) No. 5176 of 2021 shall stand modified and in paragraph-5 the period prescribed for deciding the MCC would be read as **“45 days”** instead of **“45 months”**. The 45 days would start from today.
5. Let a copy of this order be made part of records of WP(S) No. 5176 of 2021.

Sd/-

(P. Sam Koshy)
Judge