

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5324 of 2021**

Umashankar Patley S/o Shri Matadeen Patley, Aged About 37 Years,
Peon At Government Middle School Chhindpur, P. S. Kusmunda,
Tahsil- Katghora, District- Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. The Director, Public Instruction, Directorate Chhattisgarh Government Raipur, District- Raipur, Chhattisgarh
3. The Collector, Korba, District- Korba, Chhattisgarh
4. The District Education Officer, Korba, District- Korba, Chhattisgarh
5. Block Education Officer, Block Katghora, District- Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. S. Rajput, Advocate
For State	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.10.2021**

1. Aggrieved by the order Annexure P-1 dated 17.09.2021, the present writ petition has been filed. Vide the impugned order, the services of petitioner have been attached from Government Middle School Chhindpur, Plock Katghora, District Korba to Government Higher Secondary School, Machadoli, Block Podi Uproada, District Korba.
2. The contention of the counsel for petitioner is that according to the

circular of the State Govt., there is total ban on attachment. There has been specific instruction issued by the State Govt. to ensure cancellation of all orders of attachment and to send each of the employees to their respective parent place of posting where they are substantively posted. In spite of this circular issued by the State Govt. the respondent no.4 has now issued the impugned order of attachment. Another fact which has been stated by the counsel for petitioner is that at the present place of posting of petitioner, there is only one peon and now after the order of attachment, the place where the petitioner was working substantively would be rendered with no peon to assist the employees of the said institution which again is not in the interest of the institution where the petitioner was working.

3. Given the said facts and circumstances of the case, particularly taking note of the fact that the government instructions clearly reflect total ban on attachment, the impugned order Annexure P-1 to that extent is not sustainable and the same therefore deserves to be and is accordingly set aside/quashed on the ground of the same being in contravention to the circular of attachment. It is also bad in law on the ground of administrative exigency where the shifting of petitioner would be adversely affecting the institution where he has been working as there would be no peon left. The impugned order is therefore set aside/quashed reserving the right of the respondents to take appropriate measures on the administrative side governing the field.

4. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge