

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4472 of 2021

- Bharti Kanya Purva Madhyamik Shala (Operated By Balbhadra Agrawal Shiksha Samiti) Through Its Secretary Rajnandgaon Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Post Office And Police Station Naya Raipur District Raipur Chhattisgarh
2. Director Directorate Of Public Instructions, Indrawati Bhawan, Atal Nagar Post Office And Police Station Naya Raipur District Raipur Chhattisgarh
3. Collector Rajnandgaon District Rajnandgaon Chhattisgarh
4. District Education Officer Rajnandgaon District Rajnandgaon Chhattisgarh
5. Ajay Tiwari Upper Division Teacher, Bharti Kanya Purva Madhyamik Vidyalaya, Rajnandgaon District Rajnandgaon Chhattisgarh
6. Mukesh Bambode Upper Division Teacher, Bharti Kanya Purva Madhyamik Vidyalaya, Rajnandgaon District Rajnandgaon Chhattisgarh
7. Smt. Jyoti Bala Dansena Assistant Teacher, Bharti Kanya Purva Madhyamik Vidyalaya, Rajnandgaon District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	– Mr. B.D. Guru with Mr. S.S. Baghel, Advocate.
For State	– Mr. Aman Kesharwani, Panel Lawyer.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-11-2021

1. Heard on default.
2. The default pointed out by the Registry is waived.
3. It is submitted by learned counsel for the petitioner that the petitioner is a registered educational society. The petitioner school is run the basis of grant-in-aid received from the State Government. Because of the creation of some vacancies, the respondent No.4 passed the impugned order dated 06.07.2021 (Annexure-P/1) directing posting of respondent No.5 to 7 in the petitioner's school. The respondent No.5 to 7, who were earlier giving their services in Dev Anand Jain Higher Secondary School, Rajnandgaon have been transferred and posted in the petitioner's school, because of which the opportunities of the teachers who are already working in the school have been affected. The petitioner made representation to the respondent No.3 and 4 praying for cancellation of the posting order of respondent No.5 to 7. So far, the respondents No.3 and 4 have not given any consideration on the representations made.
4. Learned counsel for the petitioner makes statement at Bar that the respondent No.5 to 7 have not joined till date, therefore, the joining process of the private respondent be stayed and relief be granted to the petitioners.
5. Learned State counsel representing respondents No.1 to 4 opposes the submissions.
6. Considered on the submissions. After perusal of the documents present in the record of the petition and copies of the representation made, I am of this view that this petition can be disposed of at the motion stage.
7. Hence, the petition is disposed of with direction to respondent No.3 and

4 to consider on the representation filed by the petitioner within a period of 60 days from today in the meanwhile, it is ordered that if the respondent No.5 to 7 have not joined their duties in the petitioner school, in that case, the operation of the impugned order dated 06.07.2021 only with respect to the respondents No. 5 to 7 shall remain stayed until the period of 60 days.

8. With these observations, the petition is disposed of.

Sd/-

Monika

(Rajendra Chandra Singh Samant)
Judge