

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6501 of 2021**

- Smt. Mamta Diwakar W/o M. R. Diwakar Aged About 43 Years R/o Moharana Pratap Ward, Mungeli, Tahsil And District Mungeli, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.
2. Directorate Of Public Instructions Pension Bada, Raipur, Chhattisgarh.
3. District Education Officer Mungeli, Collectorate, Mungeli, District Mungeli, Chhattisgarh.
4. Kumudani Ekka Govt. Kasturba Gandhi Balika Vidyalaya Chatarkhar, Tahsil Mungeli, District Mungeli, Chhattisgarh.

---- Respondents**Present:-**

Shri R. S. Baghel, counsel for petitioner.

Shri Jitendra Pali, Dy.AG for State/respondents No.1 to 3, on advance copy.

Single Bench: Hon'ble Shri Justice Sanjay S. Agrawal**Order On Board****24/11/2021**

1. By way of this writ petition, the petitioner is questioning the legality and propriety of order dated 29-10-2021 (Annexure P-1) passed by the respondent No.3-District Education Officer, Mungeli, whereby the respondent No.4-Kumudini Ekka, who is junior to the petitioner, has been handed over the charge of the Hostel Superintendent, overlooking the seniority of the petitioner.
2. According to the petitioner, she was initially appointed as Shiksha Karmi Grade-III in the year 1998 and thereafter, she was promoted on the post of Shiksha Karmi Grade-II vide order dated 05-07-2006. It is contended further that the respondent No.4 was appointed on the post of Shiksha Karmi Grade II vide order dated 28-06-2011 and was thus much junior to the petitioner, yet, the alleged charge has been handed over to the said respondent, by ignoring the preferential right of the petitioner. It is contended further that the representation

in this regard has been made before the concerned authorities i.e. District Education Officer, Mungeli on 21-09-2021, however, the same has not been decided till date. Learned counsel for the petitioner prays for disposal of the said representation within the stipulated period.

3. Shri Pali, learned Counsel for the respondents No.1 to 3/State has raised no objection with regard to the aforesaid limited prayer of the petitioner.

4. In view of above, this Court feels that no fruitful purpose would be served in keeping this writ petition pending as it can be disposed of at this stage itself.

5. Accordingly, this writ petition is disposed off by directing the respondent no.3-District Education Officer, Mungeli to take an appropriate decision on the said representation made on 21-09-2021 (Annexure P-5) within a period of 45 days from the date of communication of a copy of this order.

6. It is made clear that this Court has not expressed any opinion on the merits of the case, while disposing of this writ petition and the concerned respondent authority would be at liberty to decide the representation of the petitioner, in accordance with law.

7. The writ petition accordingly stands disposed of.

**SD/-
(Sanjay S. Agrawal)
Judge**