

W.P. No. 5328 / 2005

**IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT  
BILASPUR**

**W. P. No. 5328 / 2005**

**PETITIONERS**

P.R. No. 5603/05  
Presented by Shri. Kunal Das  
dated 25/7/05

Madanlal Bhagel S/o  
Shri Bhagat Ram Baghel,  
Aged about 47 years,  
Assistant Teacher, Govt.  
Girls Primary School,  
Narratola R/o Narratola-  
Rajhara, District-Durg  
(CG).

**Versus**

**RESPONDENTS**

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- 1) State of Chhattisgarh  
Through the Secretary,  
School Education  
Department, DKS  
Bhawan, Raipur (CG)
- 2) The Collector,  
(Adivasi Vikas  
Sakha)/Assistant  
Commissioner, Tribal  
Welfare, Durg  
District-Durg (CG).
- 3) The Block Education  
Officer,  
Tribal Welfare Department,  
Doundi, Distt. Durg (CG).

**WRIT PETITION UNDER ARTICLE 226/227 OF THE  
CONSTITUTION OF INDIA**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 5328/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>28/10/2005</u></p> <p>Shri P. Diwakar, Senior Advocate with Shri K.S. Pawar, learned counsel for the petitioner.</p> <p>Shri Akhil Agrawal, Panel Lawyer for the State.</p> <p>Heard.</p> <p>The petitioner, who is presently working as an Assistant Teacher in Govt. Girls' Primary School, Narratola was transferred vide order dated 31/7/2004 (Annexure P-1) to Govt. Primary School, Barbattipara. This order of transfer was challenged by the petitioner in WP No.2781/2004. This petition came up for hearing before this Court on 15/9/2004 and this Court after hearing the parties disposed of the petition with the following terms:"</p> <p><i>"Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents alongwith a copy of the petition and this order, within 10 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within six weeks from the date of receipt of the representation. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law."</i></p> <p>It appears that after the aforesaid order, the petitioner did not make a representation to the competent authority till 27/10/2004</p>	

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## आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>and then on 27/10/2004, some representation was filed vide Annexure P-4. Thereafter, on an application being made by the petitioner to the Block Education Officer, the Principal of the concerned School took the joining of the petitioner in his original Institution namely Govt. Girls Primary School, Narratola on 25/11/2004, which was on direction of the Block Education Officer. On this point, in fact, the grievance of the petitioner was over. However, later on, on 1/8/2005, the impugned order was issued by the Block Education Officer and it was directed that the petitioner was wrongly given charge in his original institution and he must go to his transferred place because no order of stay was granted in favour of the petitioner by the High Court.</p> <p>Learned counsel for the petitioner submits that though the petitioner could not file a representation within 10 days as per order dated 15/9/2004 but later on, a representation was filed before the competent authority and they assured that the transfer order shall be cancelled in case of joining of the petitioner to the transferred place.</p> <p>I have heard the learned counsel for the parties at length and also considered the records of the Writ Petition. There was an expressed order by this Court that a representation shall be filed within 10 days and then only the concerned authority were obliged to consider the representation. Since the representation was not filed in time and the petitioner took advantage of this fact that he got joining in his original institution and remained there for a long time, thereafter only, this subsequent impugned order dated 1/8/2005</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... 5328/25 सन् 200

## आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>(Annexure P-8) was passed by the authority of the State, I am not inclined to interfere with the action taken by the State and it is not unjustified. There is no merit in this writ petition and the same is dismissed.</p> <p>At this stage, learned counsel for the petitioner submits that by now some other person has been posted at Primary School, Barbattipara, therefore, it would not be possible for the petitioner to execute the subsequent order dated 1/8/2005. In this regard, the petitioner may file a representation before the concerned authority so that the prevalent situation may come in the knowledge of the aforesaid authority and they may take the appropriate decision in accordance with law.</p> <p>C.C. as per rules.</p>	<p style="text-align: center;">Sd/- Sunil Kumar Sinha Judge</p>

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