IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP (T) No. 1022/2008

Decided on: 31.8. 2009

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Shiv Dutt.   **…Petitioner.**

Versus

State of Himachal Pradesh and others.   … Respondents.
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Coram:

Hon'ble Mr. Justice R.B. Misra, Acting Chief Justice.

Hon'ble Mr. Justice Rajiv Sharma, Judge.

Whether approved for reporting?[1]

For the petitioner   : Mr. Sanjeev Bhushan, Advocate.

For the Respondents: Mr. R.K. Bawa, Advocate General with Mr. P.K. Sharma, Additional Advocate General, Mr. J.K. Verma and Mr. Anil Jaswal, Deputy Advocate Generals for respondents No.1 to 4.

Mr. K.B. Khajuria, Central Government Counsel for respondent No.5.

Mr. Yudhvir Singh, Advocate for respondent No.6

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The petitioner was appointed as Block Resourcer Centre Coordinator (BRCC) in Education Block, Theog vide order dated 16.9.2005. He was promoted as Centre Head Teacher vide order dated 25.4.2008. He was posted at Government Primary School, Dhamandari. He was permitted to look after the work of BRCC vide Annexure A-6/A-8 dated 1.5.2008. The order dated 1.5.2008 was cancelled on 9.5.2008. He was relieved. Once the petitioner has been promoted, he was bound

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[1] Whether reporters of the local papers may be allowed to see the judgment?

to join his new place of posting. In these circumstances, he could be retained as BRCC at Theog. In case he wanted to remain as BRCC, he had to forego his promotion.

There is no material on record to suggest that he has foregone his promotion. He has remained posted as BRCC for about three years. There is no force in the submission of Mr. Sanjeev Bhushan that earlier order whereby he was permitted to work as BRCC could not be cancelled after his promotion to the post of Centre Head Teacher. It was an administrative order and has rightly been cancelled vide Annexure A-9.

Accordingly, there is no merit in the petition and the same is dismissed. No costs.

(**R.B. Misra),
Acting Chief Justice**

(**Rajiv Sharma),
Judge**

31.8.2009.
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