

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2350 of 2019

Gunjan Karsh (Karsh Raj Shah) W/o Rajkumar Shah, Aged About 30 Years, Occupation - Assistant Teacher (L.B.) (Local Body), R/o Irrigation Chowk, Darri Ward No. 52, Korba, District Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Education, Chief Executive Officer, District Panchayat, Korba, District Korba, Chhattisgarh
2. District Education Officer, Korba, District Korba, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Pondi Uproda, District Korba, Chhattisgarh
4. Block Development Education Officer, Block - Katghora, District Korba Chhattisgarh
5. Principal, Govt. High School, Gopalpur, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For State	:	Mr. Rahu, Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/03/2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 10.01.2019 whereby respondent no.5 has relieved the services of the petitioner from Govt. High School, Gopalpur to Govt. Higher Secondary School, Binjhra.
2. Contention of the counsel for the petitioner is that the petitioner was initially appointed as a Shiksha Karmi Grade-III posted at Govt. Higher

Secondary School, Binjhra. However, respondent no.2 vide order dated 22.07.2016 attached the services of the petitioner from Binjhra to Govt. School, Gopalpur and since then the petitioner is working at Gopalpur. Later on, the authority concerned also passed orders on 14.09.2016 and again on 14.06.2018 and 01.08.2018 directing that the salary and other allowances payable to the petitioner has to be drawn from Govt. High School, Gopalpur. According to the counsel for the petitioner, this order of the District Education Officer would establish that the petitioner is substantively an employee of the Govt. High School, Gopalpur.

3. This contention is disputed by the State counsel who submits that the petitioner in fact substantively is an employee of Govt. Higher Secondary School, Binjhra and has been attached to the School at Gopalpur. Now the Govt. has taken a decision for cancellation of all such attachments made.
4. Given the fact that the petitioner has been working at Gopalpur for last more than 2 years and that the salary and other benefits also are being drawn from the Govt. High School, Gopalpur as ordered by the District Education Officer, this Court is of the opinion that the dispute pursuant to the order Annexure P-1 is one which could also be resolved by the District Education Officer i.e. respondent no.2.
5. Let the petitioner make a detailed representation in respect of the same to respondent no.2 within a period of 10 days from the date of receipt of copy of this order and on such representation being made, let respondent no.2 specifically decide whether the petitioner substantively is an employee of Govt. High School, Gopalpur or whether the petitioner substantively is an employee of Govt. Higher Secondary School, Brinjha and thereafter pass an appropriate order in respect of the same.

Till the representation of the petitioner is decided by respondent no.2, let status quo, as it exists today, be maintained.

6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Khatai