

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7527 of 2022**

1. Hemant Sharma S/o Shri K. P. Sharma Aged About 56 Years Working As Head Master And Posted At Govt. Primary School Tapra, Block Korba, District : Korba, Chhattisgarh
2. Suraj Kunwar Bhardwaj W/o Shri Ramgopal Aged About 40 Years Working As Head Master And Posted At Govt. Primary School Basinkhar, Block Korba, District : Korba, Chhattisgarh
3. Durga Shankar Mishra S/o Shri K. P. Mishra Aged About 56 Years Working As Head Master And Posted At Govt. Primary School Gangdai, Block Korba, District : Korba, Chhattisgarh
4. Smt. Geeta Yadav W/o Shri Jitendra Yadav Aged About 45 Years Working As Head Master And Posted At Govt. Primary School Kesalpur, Block Korba, District : Korba, Chhattisgarh
5. Smt. Sushila W/o Shri Vedram Bhagat Aged About 48 Years Working As Head Master And Posted At Govt. Primary School Bela, Block Korba, District : Korba, Chhattisgarh
6. Shantalal Sahu W/o Shri Baldev Prasad Sahu Aged About 52 Years Working As Head Master And Posted At Govt. Primary School Darrabhantha, Block Korba, District : Korba, Chhattisgarh
7. Smt. Meena Rathore W/o Shri Ravi Kumar Rathore Aged About 42 Years Working As Head Master And Posted At Govt. Primary School Imaliduggu, Block Korba, District : Korba, Chhattisgarh
8. Smt. Sunita Goswami W/o Shri Ghasi Giri Goswami Aged About 55 Years Working As Head Master And Posted At Govt. Primary School Kamalibhantha, Block Korba, District : Korba, Chhattisgarh
9. Smt. Dipeshwari Chandra W/o Shri Rajesh Kumar Lal Aged About 40 Years Working As Head Master And Posted At Govt. Primary School Shivrinar, Block Korba, District : Korba, Chhattisgarh
10. Smt. Seema Kurrey W/o Shri Ramapal Kurrey Aged About 56 Years Working As Head Master And Posted At Govt. Primary School Semipali, Block Korba, District : Korba, Chhattisgarh
11. Ram Kumar Rajwade S/o Shri Damru Ram Rajwade Aged About 47 Years Working As Head Master And Posted At Govt. Primary School Surabhadra, Block Korba, District : Korba, Chhattisgarh
12. Smt. Madhudas W/o Shri Sunil Kumar Das Aged About 55 Years Working As Head Master And Posted At Govt. Primary School Urgan, Block Korba, District : Korba, Chhattisgarh
13. Dinesh Kumar Dewangan S/o Shri Todaram Dewangan Aged About 38 Years Working As Head Master And Posted At Govt. Primary School Baridih, Block Korba, District : Korba, Chhattisgarh
14. Manisha Kashyap D/o Shiv Kumar Kashyap Aged About 37 Years Working As Head Master And Posted At Govt. Primary School Belakachar, Block Korba, District : Korba, Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through Secretary, Department of Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh

2. Director, Directorate of Chhattisgarh Public Instruction Indravati Bhawan, Raipur, District : Raipur, Chhattisgarh
3. Collector Korba, District : Korba, Chhattisgarh
4. District Education Officer Korba, District : Korba, Chhattisgarh.

---- Respondents

WPS No. 7558 of 2022

1. Kamin Devi Chouhan W/o Johan Lal Chouhan Aged About 42 Years Working As Head Master Primary School And Posted At Govt. Primary School Khamariya, Block Katghora, District : Korba, Chhattisgarh
2. Prashant Kumar Vishwakarma S/o Late Shri Gaya Prasad Vishwakarma Aged About 37 Years Working As Head Master Primary School And Posted At Govt. Primary School Dewarmal, Block Korba, District : Korba, Chhattisgarh
3. Kunj Bihari Ratrey S/o Shri Jagannath Prasad Ratrey Aged About 50 Years Working As Head Master And Posted At Govt. Primary School Sarbhonka, Block Katghora, District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. Director, Directorate of Chhattisgarh Public Instruction Indravati Bhawan, Raipur, District : Raipur, Chhattisgarh
3. Collector Korba, District : Korba, Chhattisgarh
4. District Education Officer Korba, District : Korba, Chhattisgarh.

---- Respondents

WPS No. 7850 of 2022

Krishna Kumar Kamaro S/o Shri Ghasiram Kamaro Aged About 37 Years Working As Head Master And Posted As Govt. Primary School Rampur, Block Pali, District Korba Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. Director, Directorate of Chhattisgarh Public Instruction Indravati Bhawan, Raipur, District : Raipur, Chhattisgarh
3. Collector Korba, District : Korba, Chhattisgarh
4. District Education Officer Korba, District : Korba, Chhattisgarh.

---- Respondents

WPS No. 7948 of 2022

1. Santosh Kumar Patel S/o Govind Ram Patel Aged About 41 Years R/o Headmaster, Govt. Primary School, Dadar Lafa, Cluster, Nagoi, Block Pali, District Korba Chhattisgarh
2. Shankar Das Manikpur S/o Lt. Indal Das Aged About 51 Years Headmaster Primary School Binjharapara, Cluster Baksahi, Block Pali, District Korba Chhattisgarh

3. Rajendra Kumar Choubey S/o Lt. Gayanath Choubey Aged About 41 Years Headmaster, Primary School Navariyapara Saila, Cluster Saila, Block Pali, District Korba Chhattisgarh
4. Krishnalal Kashyap Shri Shyamlal Kashyap Aged About 48 Years Headmaster Primary School Katelipara, Cluster Batra, Block Pali, District Korba Chhattisgarh
5. Sanjay Singh Rajput S/o Manohar Singh Rajput Aged About 38 Years Headmaster, Primary School Rahadih Mungadih, Cluster Mungadhih, Block Pali, District Korba Chhattisgarh
6. Annapurna Kashyap W/o Ashwini Kumar Kashyap Aged About 46 Years Headmaster, Primary School Bayarpara, Cluster Pondi, Block Pali, District Korba Chhattisgarh
7. Parasram Dixena S/o Lt. Manrakhan Lal Dixena Aged About 55 Years Headmaster, Primary School Khairaduban, Cluster Baksahi, Block Pali, District Korba Chhattisgarh
8. Pooja Jaiswal W/o Chandra Kumar Jaiswal Aged About 36 Years Headmaster, Primary School Nanpulali, Cluster Kerajhariya, Block Pali, District Korba Chhattisgarh
9. Santosh Kumar Yadav S/o Surit Ram Yadav Aged About 36 Years Headmaster, Primary School Manikpuri, Cluster Manikpuri, Cluster Silli Block Pali, District Korba Chhattisgarh
10. Dharampal Singh Kanwar S/o Hinchhram Kanwar Aged About 54 Years Headmaster, Primary School, Mangamar, Cluster Mangamar, Block Pali, District Korba Chhattisgarh
11. Ravi Chandra S/o Rechwa Aged About 52 Years Headmaster, Primary School Girls Ashram, Rachkambha, Cluster Rachkambha, Block Pali, District Korba Chhattisgarh
12. Shiv Kumar Kaushik S/o Udhoram Kaushik Aged About 40 Years Headmaster, Primary School Jorhadabri, Cluster Jorhadabri, Block Pali, District Korba Chhattisgarh
13. Basant Kumar Armo S/o Sadhu Singh Armo Aged About 53 Years Headmaster, Primary School Kanhaiyapara, Cluster Batra, Block Pali, District Korba Chhattisgarh
14. Shailendra Kumar Kashyap S/o Bansilal Kashyap Aged About 48 Years, Headmaster, Primary School Labdapara, Cluster Pondi, Block Pali, District Korba Chhattisgarh
15. Suresh Kumar Markam S/o Latel Singh Markam Aged About 47 Years Headmaster, Primary School, Kumbhipani, Cluster Sonsari, Block Pali, District Korba Chhattisgarh
16. Parmananad Keshav S/o Phool Singh Aged About 56 Years Headmaster, Primary School Basibar, Cluster Litiyakhar, Block Pali, District Korba Chhattisgarh
17. Tirith Ram Patle S/o Banauram Patle Aged About 50 Years Headmaster, Primary School Dhanwapara, Cluster Rachkumbha, Block Pali, District Korba Chhattisgarh
18. Hardeo Singh S/o Jhaduram Aged About 46 Years Headmaster, Primary School Katelpara, Cluster Badebanka, Block Pali, District Korba Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhavan, Raipur District Raipur Chhattisgarh

2. Collector Korba District Korba Chhattisgarh
3. District Education Officer Korba District Korba Chhattisgarh
4. Joint Director Education Division, Bilaspur District Bilaspur Chhattisgarh
5. Director Public Instruction, Raipur District Raipur Chhattisgarh
6. Block Education Officer Pali, Tehsil Pali, District Korba Chhattisgarh

---- Respondents.

WPS No. 8353 of 2022

1. Netranand Singh S/o Ashok Kumar Aged About 37 Years Working As Assistant Teacher (L.B.) (Primary School), Under T-Cadre, At Government Primary School, Farapkhana, Block Pali, District- Korba, Chhattisgarh, R/o Potapani, Tahsil- Pali, District : Korba, Chhattisgarh
2. Rajesh Kumar Aadiley S/o Kirtan Ram Aadiley Aged About 50 Years Working As Assistant Teacher (L.B.) (Primary School), Under T-Cadre, At Government Primary School, Darrimuda, Block Pali, District- Korba, Chhattisgarh, R/o Chaitma, Tahsil- Pali, District : Korba, Chhattisgarh
3. Smt. Gangotri Sahu W/o Naresh Kumar Aged About 37 Years Working As Assistant Teacher (L.B.) (Primary School), Under T-Cadre, At Government Primary School, Tendubhantha, Block Pali, District- Korba, Chhattisgarh, R/o Sardar Prem Singh Ward, Tahsil- Pali, District : Korba, Chhattisgarh
4. Smt. Varsha Singh Thakur W/o Rajesh Singh Aged About 36 Years Working As Assistant Teacher (L.B.) (Primary School), Under T-Cadre, At Government Primary School, Charpara, Block Pali, District- Korba, Chhattisgarh, R/o Ward No. 2, Tahsil- Pali, District : Korba, Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
2. Director, Directorate of Public Instruction Indrawati Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
3. Divisional Joint Director Education Division Bilaspur District Bilaspur, Chhattisgarh
4. District Education Officer, Korba District- Korba, Chhattisgarh
5. Collector Korba District Korba, Chhattisgarh
6. Block Education Officer, Pali District- Korba, Chhattisgarh.

---- Respondents.

WPS No. 9059 of 2022

1. Karam Sing Chandel S/o Durga Sing Chandel Aged About 52 Years Headmaster, Govt. Primary School, Chamrinmunda, Block Pali, District Korba Chhattisgarh.
2. Manohar Sing Paikra S/o Trilok Sing Paikra Aged About 47 Years Headmaster, Primary School, Tilaikundi, District Korba Chhattisgarh.
3. Jaishankar Das S/o Bhajan Das Aged About 40 Years Headmaster, Primary School Dindolbhanta, District Korba Chhattisgarh
4. Laxminarayan Sing Kanwar S/o Late Ganesh Sing Kanwar Aged About 58 Years Headmaster Primary School Bakhai, Block-Pali, District Korba Chhattisgarh.
5. Shisupal Sing Kanwar S/o Jibodhan Sing Kanwar Aged About 39 Years

Headmaster Primary School Dagniyakhaar, District Korba Chhattisgarh.

6. Chotelal Jayta S/o Sadharasai Jayta Aged About 49 Years Headmaster Primary School Kharripara, Block-Pali, District Korba Chhattisgarh.

---- **Petitioners**

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhawan Raipur District Raipur Chhattisgarh.
2. Collector, Korba District- Korba Chhattisgarh
3. District Education Officer Korba District - Korba Chhattisgarh.
4. Joint Director, Education Division, Bilaspur Chhattisgarh.
5. Director, Public Instruction, Raipur Chhattisgarh
6. Block Education Officer, Korba, District Korba Chhattisgarh.
7. Block Education Officer, Kartala, District - Korba Chhattisgarh.

---- **Respondents**

WPS No. 1 of 2023

Santosh Kumar Jangde S/o Pritam Aged About 39 Years Working As Assistant Teacher (L.B.) (Primary School) Under T-Cadre, At Government Primary School, Dumarkachhar, Block Pali, District Korba, Chhattisgarh, R/o Saila Road, Madan, Korba, District : Korba, Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur, District : Raipur, Chhattisgarh
2. Director, Directorate of Public Instruction, Indrawati Bhawan, Atal Nagar Naya Raipur, District : Raipur, Chhattisgarh
3. Divisional Joint Director, Education Division Bilaspur, District : Bilaspur, Chhattisgarh
4. District Education Officer, Korba, District : Korba, Chhattisgarh
5. Collector, District Korba, Chhattisgarh.
6. Block Education Officer, Pali, District : Korba, Chhattisgarh.

---- **Respondents**

WPS No. 318 of 2023

Geeta Banjare W/o Kaushal Kumar Banjare Aged About 40 Years R/o House No. 48, School Para, Jorhadabari, District : Korba, Chhattisgarh

---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
2. Director, Directorate of Public Instruction, Indrawati Bhawan, Atal Nagar Naya Raipur, District : Raipur, Chhattisgarh
3. Divisional Joint Director Education Division Bilaspur, District : Bilaspur, Chhattisgarh
4. District Education Officer Korba District - Korba, Chhattisgarh
5. Collector Korba, District : Korba, Chhattisgarh

6. Block Education Officer Pali, District : Korba, Chhattisgarh.

---- Respondents

WPS No. 930 of 2023

1. Shri Shivkumar Chandra S/o Cheraka Chandra Aged About 41 Years Head Master Primary School Kannujpara Block Division Pali District Korba Chhattisgarh
2. Shri Rameshkumar Maravi S/o Shri Mohanlal Maravi Aged About 49 Years Head Master Primary School Andikachhar Block Pali District Korba Chhattisgarh
3. Shri Mohan Singh Ayam S/o Late Anandram Ayam Aged About 53 Years Head Master Primary School Sonaipur Block Pali District Korba Chhattisgarh
4. Shri Lalsingh Khudiya S/o Shri Pusauram Khudiya Aged About 50 Years Head Master Primary School Trishulbhanta Block Pali District Korba Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhavan Raipur District Raipur Chhattisgarh
2. Collector Korba District Korba Chhattisgarh
3. District Education Officer Korba, District Korba Chhattisgarh
4. Joint Director Education Division, Bilaspur Chhattisgarh
5. Director Public Instruction, HOD Building Indrawati Bhawan Naya Raipur Chhattisgarh
6. Block Education Officer Pali, District Korba Chhattisgarh.

---- Respondents

WPS No. 1015 of 2023

1. Ram Jiwan Rathiya S/o Late Umesh Singh Rathiya Aged About 68 Years Head Master Primary School Navadih Block Korba, District- Korba, Chhattisgarh
2. Yashpal Singh Rathiya S/o Chaitram Rathiya Aged About 53 Years Head Master Primary School Toulipali Block Korba, District- Korba, Chhattisgarh
3. Radhelal Rathiya S/o Jageshwar Singh Rathiya Aged About 52 Years Head Master Primary School Manjhi Para, Block Korba, District- Korba, Chhattisgarh
4. Puniram Jhariya S/o Nirtu Ram Aged About 57 Years Head Master Primary School Dhobnimar, Block Korba, District- Korba, Chhattisgarh
5. Ramlal Jangade S/o Agat Ram Jangade Sundar Singh Sidar Aged About 41 Years Head Master Primary School Kolihadih (Barpali), Block Korba, District- Korba, Chhattisgarh
6. Dujram Rathiya S/o Jotram Rathiya Aged About 55 Years Head Master Primary School Dhourabhata Chuiya, Block Korba, District- Korba, Chhattisgarh
7. Smt. Hemlata Rajwade W/o Raju Kumar Rajwade Aged About 42 Years Primary School Ratija, Block- Pali, District- Korba, Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhavan, Raipur, District- Raipur, Chhattisgarh
2. Collector, Korba District- Korba, Chhattisgarh
3. District Education Officer, Korba District- Korba, Chhattisgarh
4. Joint Director, Education Division Bilaspur, Chhattisgarh

5. Director, Public Instruction H.O.D. Building Indrawati Bhawan, Naya Raipur, Chhattisgarh
6. Block Education Officer, Pali District- Korba, Chhattisgarh.
7. Block Education Officer, Korba District- Korba, Chhattisgarh.

---- Respondents

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|----------------------|---|---|
| For Petitioners | : | Mr. G.P. Mathur, Mr. Vivek Tripathi, Mr. TK Chandra, Mr. Amitesh Pandey & Ms. Rajni Soren, Advocates. |
| For Respondent/State | : | Mr. Sandeep Dubey, Dy. AG. |

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

28/02/2023

1. Grievance of petitioners raised in these petitions is mainly with regard to cancellation of their promotion on the post of Headmaster Primary School.
2. Learned counsel for respective petitioners submit that District Education Officer vide order dated 14.10.2022 promoted the petitioners to the post of Headmaster Primary School and posted at different school. However, the Collector vide order impugned cancelled the promotion order of petitioners and directed to grant them promotion through counselling. Consequently, vide order dated 20.10.2022 District Education Officer, Korba cancelled order of promotion of petitioners and directed them to work at their earlier place of posting. Orders impugned are passed in violation of principle of natural justice as before issuing impugned orders, petitioners have not been issued any notice or afforded opportunity of hearing.
3. Learned State Counsel submits that other similar batch of writ petitions came up for hearing on 04.11.2022, realizing some error in order cancelling promotion of Headmaster, the Collector immediately issued clarificatory order on 03.11.2022 clarifying that order dated 19.10.2022 is not with regard to cancellation of promotion but is only stay on the place

of posting upon promotion. Another clarificatory order was issued by District Education Officer in the same line mentioning that order of promotion will remain as it is, and only posting will be given on the basis of counseling. On 20.10.2022, Collector had issued an order constituting five members District Level Counselling Committee. Pursuant thereto, District Education Officer issued an order constituting Committee of five members for counselling. The authority of District Education Officer in issuing the order of promotion is not challenged. The Committee was constituted only to rectify discrepancies in posting of promoted Head Masters upon promotion because while giving posting guidelines contained in the letter dated 07.02.2022 of Director, Public Instruction were not followed.

4. The Collector now issued an order on 01.02.2023 stating that the Counselling Committee constituted on 20.10.2022, is cancelled with immediate effect. The District Education Officer issued an order on 01.02.2023 constituting new Committee of five members. Now the error in constituting the Committee is also corrected. The District Education Officer while giving posting pursuant to promotion has not followed the guidelines issued by Director of Public Instruction on 07.02.2022 and therefore, the Committee is constituted for posting of promoted Head Masters. Counsel for respondent-State placed before this Court copy of submission memo dated 08.02.2023 filed in W.P.(S) No. 1125 of 2023, involving identical issue and disposed of on 13.02.2023, annexing copies of order dated 26.10.2022 issued by the Collector constituting counselling Committee, order dated 01.02.2023 of Collector cancelling order of constituting counselling Committee and order of District Education Officer constituting new counselling Committee.

5. I have heard learned counsel for parties and perused the documents placed on record.
6. From perusal of pleadings made in writ petitions, it is clear that grievance of petitioners is with regard to order dated 19.10.2022, passed by Collector cancelling all the orders of promotion of Head Master Primary School pursuant thereto District Education Officer vide order dated 20.10.2022 cancelled promotion order of petitioners. As reflecting from order Annexure P-1, as many as 1145 Assistant Teachers (LB) were promoted to the post of Head Master Primary School, upon noticing discrepancy in the promotion orders the same were cancelled. Several writ petitions are filed challenging cancellation of promotion order, being W.P.(S) No. 7358 of 202 and others. This batch of writ petitions first came up for hearing before this Court on 04.11.2022 and on which date following order was passed :-

“ Shri Awadh Tripathi, Shri Ajay Shrivastava, Shri Bhupendra Singh, Shri AS Rajput and Shri Om P Sahu, counsel for the respective petitioners.

Shri Amrito Das, Additional Advocate General for the State.

Heard.

Petitioners in this batch of writ petitions were promoted from the post of Assistant Teachers (L.B.) to the post of Head Master, Primary School of different cadres, ie (LB), T and E, vide orders dated 28.9.2022 and 14.10.2022. Pursuant to orders issued by the District Education Officer (DEO) of concerned district, petitioners have joined at their promotional place of posting. Subsequently, the Collector issued an order canceling promotion of petitioners. Pursuant to cancellation of promotion order passed by the Collector, DEO issued an order cancelling promotion order of Head Master, and directing that promotion will be done by way of counselling. Promoted Head Masters were directed to join at their earlier place of

posting on which they were working as Assistant Teachers. It is further submission of learned counsel for the petitioners that Collector himself constituted a Committee to consider candidature of Assistant Teachers for their promotion on the post of Head Master.

Learned Counsel for the petitioners jointly submit that Collector is having no authority under the Rule to pass any order with respect to appointment / promotion or any other service conditions of petitioners, and therefore, order passed by the Collector cancelling order of promotion of petitioners is without jurisdiction. They further submit that DEO has only complied with the order passed by the Collector and he himself has not applied his mind in passing order of cancelling promotion of petitioners and directing them to join their earlier place of posting. Therefore, said order of DEO is also not sustainable in the eyes of law.

It is submitted by Shri Bhupendra Singh learned Counsel for the respective petitioners, that counselling process of Assistant Teachers is continuing for their promotion by the Committee constituted by the Collector and those Assistant Teachers may be granted promotion and also place of posting. They also stated that promotion of petitioners was considered by Departmental Promotion Committee (DPC), constituted under the Rules and based on recommendations made by the DPC, Competent authority i.e. DEO of concerned district, issued order of promotion and place of posting of petitioners.

Shri Awadh Tripathi, learned counsel for the respective petitioners further made submission that even the posting of petitioners also, is to be done by the Director, Public Instructions, and not by any other authority. However, upon putting specific query as to from which order petitioners are being posted, learned counsel submitted that petitioners are posted pursuant to promotion order issued by the DEO.

Shri Bhupendera Singh, learned counsel for the petitioners in respective petition submits that letter, which is placed before this court today, stated to have been issued by the DEO, is only with respect to District Korba, and no order issued by the DEO, District Balrampur, Ramanujganj is placed on record by the State Counsel.

Shri Amrito Das, learned Additional AG for the state would submit that in letter dated 03.11.2022 issued by the DEO Korba, which is placed today before this court, it is mentioned in categorical terms that order of promotion, which is already passed in favour of the petitioners, is not cancelled, and they

are only restrained to work in their place of posting, for the reason that the authorities received some complaint with regard to irregularities while posting of promoted Head Masters. He contended that posting is to be made after holding counseling of all promoted Head Masters vide order of promotion issued by the DEO of concerned district based on the recommendations made by the DPC. Orders earlier issued by the Collector as well as DEO, which are enclosed along with writ petitions filed, are found to be erroneous and therefore, subsequently Collector as well as DEO issued clarificatory letters / orders mentioning that promotion orders of petitioners as Head Masters pursuant to proceedings conducted by the DPC are not cancelled, and therefore, grievance raised by the petitioners that the orders of promotion of the petitioners have been cancelled without giving opportunity of hearing to them does not exist as on date.

Learned State counsel further submits that grievance raised by Shri Bhupendra Singh and Shri Om P Sahu, learned counsel in their cases, that DEO of District Balrampur has not passed any order subsequent to the order passed by the Collector, at this stage, it is not of much relevance because pursuant to the order passed by the Collector impugned in these petitions, DEO Balrampur has not passed any consequential order. He further submits that Collector, Balrampur further issued clarificatory order wherein it is mentioned that order is not with respect to cancellation of promotion, of already promoted Head Masters but counseling is to be done, only with respect to posting of promotees. Learned Counsel for the State submits that Committee constituted vide order 20.10.2022 by Collector will be the committee, who will conduct counseling with respect to posting of promoted Head Masters.

Heard Learned Counsel for the parties.

Though learned Additional AG made submissions before this Court based on order issued on 25.10.2022 by the Collector, Balrampur and also the order passed by the Collector, Korba, that status of petitioners has been clarified by issuing subsequent order specifically mentioning that order of promotion of petitioners has not been cancelled, but their posting is restricted. However, on putting specific query with respect to order dated 20.10.2022 issued by the Collector, District Korba, learned counsel for the State submits that it is the Committee constituted by the Collector of five members as mentioned therein will conduct counselling.

Service of the petitioners is governed by Chhattisgarh School Education (Service, Education

and Administrative cadre recruitment and promotion) Rules, 2019. As admitted by the learned counsel for the parties, under Rules of 2019, Collector has no authority to pass any order with respect to service conditions of Teachers working under School Education Department and governed by the Rules of 2019.

In view of aforementioned facts of these cases, particularly submissions of learned Additional Advocate General, representing the State that the Committee constituted by the Collector is conducting counselling proceedings, it is ordered that counselling proceeding for posting by the Committee constituted by the Collector shall remain stayed till the next date of hearing, and the petitioners who have been promoted by Competent Authority and, joined the place of posting, shall continue too work on their promoted place of posting till the next date of hearing.

List these cases in week commencing 28.11.2022.”

7. On the date of passing of interim order in W.P.(S) No. 7358 of 2022 and other connected matters, learned Additional Advocate General made submission that clarificatory order has already been issued on 03.11.2022 clarifying that order dated 19.10.2022 is not the order of cancellation of promotion but only a stay order on the place of posting of promoted Headmasters and pursuant thereto District Education Officer has also issued clarificatory order on the same date clarifying that the order dated 20.10.2022 is not the cancellation order of promotion, the promotion order will remain as it is and only place of posting after promotion is to be done through counseling.
8. This Court on 04.11.2022 considering that the Committee for counseling is constituted by Collector, who is having no authority under the Rules of 2019, passed interim order, which is extracted above and interim orders were subsequently granted in other writ petitions filed by other similarly situated promoted Headmasters.

9. Vide order dated 01.02.2023 Collector has canceled the Committee constituted for counseling of promoted Head Masters of Primary School for their posting and on 01.02.2023 District Education Officer has constituted new Committee of five members in which District Education Officer, Principal District Education & Training Institution, Korba, Assistant Director Education, Korba, District Mission Coordinator, Samagra Shiksha Korba and Block Education Officer, Kartala are the members.
10. Director, Public Instruction, Raipur has issued guidelines for posting of Head Master of Primary School and Middle School after their promotion. Relevant portion of the same are as under :-

“लोक शिक्षण संचालनालय छत्तीसगढ़

प्रथम तल सी खण्ड इन्द्रावती भवन नवा रायपुर अटल नगर

कमांक/पदोन्नति/2022/262 नया रायपुर दिनांक 07.02.

2022

प्रति,

1/ समस्त संभागीय संयुक्त संचालक छत्तीसगढ़

2/ समस्त जिला शिक्षा अधिकारी छत्तीसगढ़

विषय: – प्रधान पाठक प्राथमिक शिक्षक एवं प्रधान पाठक पूर्व माध्यमिक पद पर पदोन्नति पश्चात पदांकन में प्राप्त हो रही शिकायत विषयक।

संदर्भ :- इस कार्यालय का पत्र कमांक/सीधी भर्ती/23 रायपुर दिनांक 21.01.2022।

1. पदांकन शिक्षक विहीन एवं एकल शिक्षकीय विद्यालयों में प्राथमिकता के आधार पर किया जाये।
2. यथासंभव सहायक शिक्षक से प्रधान पाठक प्राथमिक में पदांकन हेतु अगर ब्लाक में पर रिक्त हो तो उसी ब्लाक में अगर ब्लाक में पद रिक्त ना हो तो जिले के समीपस्थ ब्लाक में पदांकन किया जाये।
3. यथासंभव शिक्षक एवं प्रधान पाठक पूर्व माध्यमिक पद हेतु अगर ब्लाक में रिक्त हो तो उसी ब्लाक में अगर ब्लाक में

पद रिक्त ना हो तो जिले में और जिले में पद रिक्त ना हो तो निकट के जिले में पदांकन किया जाये।

4. यथा संभव पदांकन अगर पद रिक्त हो तो उसी संस्था में किया जाये।

5. पदस्थापना रिक्त पद पर ही की जावे।

6. पदस्थापना उपरांत अन्यत्र संलग्नकरण न किया जावे।

7. सम्पूर्ण प्रक्रिया में पूर्ण पारदर्शिता रखी जावे।

पदांकन में किसी भी प्रकार की अनियमितता की शिकायत प्राप्त होती है तो संबंधित जिला शिक्षा अधिकारी/संयुक्त संचालक जिम्मेदार माने जायेंगे।”

11. The order of promotion was issued on 14.10.2022, which is subsequent to the guidelines issued by Director, Public Instruction. According to the facts and circumstances of the case and the submission of learned counsel for respondents that at the time of issuance of order of promotion, guidelines issued by Director, Public Instruction dated 07.02.2022 could not be properly implemented. As per Schedule-I under Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019, District Education Officer is the appointing authority for Head Master Primary School. As per Schedule-IV, members of Departmental Promotional Committee are District Education Officer (Chairman), Assistant Director/Equivalent (Member Secretary), Principal DIET, Block Education Officer.

12. This Court also takes judicial notice of the fact that many promoted Head Masters have approached this Court by way of filing separate writ petitions mentioning that while promoting them on the post of Head Master Primary School, place of posting is not made in accordance with guidelines dated 07.02.2022 issued by Director, Public Instructions, and therefore, also if five members Committee considers the place of posting of promoted Head Master in accordance with the guidelines issued by

Director, Public Instruction, already in place it will not cause any prejudice to petitioners.

13. For the foregoing, the order canceling promotion of petitioners by Collector and consequent order passed by District Education Officer dated 19.10.2022 and 20.10.2022 have already been clarified by order dated 03.11.2022 stating that those orders are not the order cancelling the promotion and further the order of Collector constituting the Committee has been canceled by Collector vide order dated 01.02.2023. The Committee is constituted by District Education Officer, who is appointing authority and Chairman of Promotion Committee of Head Master Primary School, to post the promoted Head Masters.

14. In view of above as of now the grievance of petitioners against orders dated 19.10.2022 and 26.10.2022 of Collector and order dated 20.10.2022 of District Education Officer stands redressed.

15. In view of above, all above writ petitions are disposed off accordingly.

Sd/-
(Parth Prateem Sahu)
Judge

J/-