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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 1279 of 2024**

- Smt. Ranjita Patel W/o Shri Jalaj Kumar Patel Aged About 43 Years Working As Head Master And Posted At Govt. Primary School Nirashritpara, Block Wadrafnagar, District : Balrampur, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, Mantralaya New Raipur, District : Raipur, Chhattisgarh
2. The Director Public Education Indravati Bhawan, Atal Nagar, Mantralaya New Raipur, District : Raipur, Chhattisgarh
3. The Collector Balrampur, District : Balrampur, Chhattisgarh
4. The District Education Officer Balrampur, District : Balrampur, Chhattisgarh
5. The Block Education Officer Block Wadrafnagar, District : Balrampur, Chhattisgarh

**---- Respondents****WPS No. 1283 of 2024**

1. Smt. Melani Beck S/o Lourens Beck Aged About 50 Years Working As Head Master (Primary School) And Promoted At Government Primary School, Langadi, Block Wadrafnagar, District Balrampur-Ramanujganj, C.G.
2. Shivprasad Parsiya S/o Ramnarayan Aged About 48 Years Working As Head Master (Primary School) And Promoted At Girls Primary School, Pandopara Karamdiha (K), Block Wadrafnagar District-Balrampur-Ramanujganj, Chhattisgarh.
3. Maheshwar Singh S/o Jaklu Sai Aged About 46 Years Working As Head Master (Primary School) And Promoted At Government Primary School, Khukhadipani, Block Wadrafnagar District-Balrampur-Ramanujganj, Chhattisgarh.
4. Basant Kumar S/o Kanhai Thakur Aged About 51 Years Working As Head Master (Primary School) And Promoted At Government Primary School, Kothitad Marma, Block Ramchandrapur District-Balrampur-Ramanujganj, Chhattisgarh.
5. Smt. Chintamani W/o Patar Kujur Aged About 45 Years Working As Head Master (Primary School) And Promoted At Government

Primary School, Baidhi, Block Rajpur District- Balrampur-Ramanujganj, 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. Joint Director Education Division Surguja (Ambikapur), District : Surguja (Ambikapur), Chhattisgarh
4. Collector District Balrampur-Ramanujganj, Chhattisgarh.
5. District Education Officer Balrampur-Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.
6. Block Education Officer, Wadrafnagar District Balrampur-Ramanujganj, Chhattisgarh.
7. Block Education Officer, Rajpur District Balrampur-Ramanujganj, Chhattisgarh.
8. Block Education Officer, Ramchandrapur District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondents

(Cause-title taken from Case Information System)

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| For Petitioners | : | Mr. Dashrath Kushwaha, Advocate<br>Mr. Govindra Dewangan, Advocate |
| For State       | : | Mr. S.P. Kale, Addl. A.G.  |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**ORDER ON BOARD**

**29/02/2024**

1. Since, the issues involved in this bunch of writ petitions are common, the same are being heard and disposed of finally by this common order.
2. Challenge in these writ petitions is to the impugned order, whereby respondent-authority without canceling the posting order of the

petitioners directed them to appear in the counseling for fresh place of posting.

3. Relevant facts for disposal of these writ petitions is that some of the petitioners have filed petitions before this Court challenging the order dated 20.10.2022, whereby Collector Balrampur, Ramanujganj has cancelled the promotion order and directed to do promotion through counseling. This Court stayed the order dated 20.10.2022 holding that the Collector has no authority to cancel the promotion order issued by the Competent-Authority. Thereafter, the Collector clarified the factual matrix vide its memo/order dated 25.10.2022 that promotion order has not been cancelled, only the posting of promoted Headmasters has been cancelled. Subsequently, the Collector has cancelled his earlier order and on the very day, the District Education Officer (DEO) constituted five-members Counseling Committee for posting of the promoted Headmasters, which was also clarified by State Government that the Committee constituted by DEO is only for considering the posting of the Headmasters, who have promoted vide order dated 14.10.2022.
4. Learned counsel for the petitioners in all petitions submits that pursuant to order dated 14.10.2022, petitioners herein have already joined their promoted place of posting as Headmaster and, therefore, case of the petitioners herein is also squarely covered with order/judgment dated 26.07.2023 passed by Co-ordinate Bench of this Court in **WPS No.5166 of 2023 (Smt. Subhagini Lakda Vs. State of Chhattisgarh and Ors.)**, wherein the Court has clarified the fact that the assistant teachers, who have already promoted and joined their promoted place of posting, their original institution shall be considered as promoted place. Hence, it is prayed that this writ petition may also be disposed of in the light of decision of **Smt. Subhagini Lakda** (supra).
5. Learned State Counsel fairly admitted that case of the petitioners herein is also squarely covered with case of **Smt. Subhagini Lakda** (supra) .

6. Heard learned counsel for the respective parties, perused the writ petitions and also gone through the case of **Smt. Subhagini Lakda** (supra).
7. Relevant para of case of **Smt. Subhagini Lakda** (supra) reads as under:-

“5. It is clarified that the direction issued by the Block Education Officer on 27.06.2023 will not be applicable to the case of the petitioner as he has already promoted and joined. It is also made clear that the assistant teachers who have already promoted and joined in their promoted post, their original institution shall be considered as promoted place and rest of the assistant teachers who have not joined the place after promotion, their principal institution will be treated the institution where they are working as Assistant Teacher.”

8. From the pleadings made in these writ petitions, it is quite vivid that petitioners herein have also joined their promoted place of posting as Headmaster pursuant to order dated 14.10.2022 and, therefore, case of the petitioners is squarely covered with case of **Smt. Subhagini Lakda** (supra). Thus, direction issued to the petitioners by the concerned District Education Officer/Block Education Officer regarding participation in the counseling proceedings for their posting is not applicable to them.
9. Considering facts of the case, grounds raised in writ petition, nature of relief, submissions of learned counsel for the respective parties that case of petitioners herein is also identical to the case of **Smt. Subhagini Lakda** (supra), it would be appropriate to dispose of these writ petitions in the light of decision of **Smt. Subhagini Lakda** (supra).
10. Accordingly, all the above writ petitions are disposed of at this stage in the similar terms and observations made by co-ordinate Bench of this Court in case of **Smt. Subhagini Lakda** (supra). However, respondents-authorities are directed to verify the facts before taking any final decision in case of the petitioners.

Sd/-  
(Arvind Singh Chandel)  
JUDGE