



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

WPS No. 293 of 2023

1. Prabhudayal Yadav S/o Ganesh Yadav, Aged About 49 Years Working As Head Master (Primary School), At Government Primary School Balak Ashram, Sabag, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
2. Gupteshwar Ram S/o Puran Ram, Aged About 47 Years Working As Head Master (Primary School), At Government Primary School, Bata, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
3. Sukhsevan Ram Ravi S/o Dasai Ram, Aged About 54 Years Working As Head Master (Primary School), At Government Naveen Primary School, Marewadih, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
4. Kalindar Ram S/o. Dhaneshwar Ram, Aged About 39 Years Working As Head Master (Primary School), At Government Primary School, Lechopara, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
5. Gede Bhuihar S/o Ghasi Bhuihar, Aged About 44 Years Working As Head Master (Primary School), At Government Primary School, Basdih, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
6. Satlu Ram S/o Biruch Ram, Aged About 37 Years Working As Head Master (Primary School), At Government Primary School, Sonpur, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
7. Lalita Lakda W/o Budhram Lakda, Aged About 51 Years Working As Head Master (Primary School), At Government Naveen Primary School, Churunda, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
8. Daulesh Lakda S/o Budhram Lakda, Aged About 49 Years Working As Head Master (Primary School), At Government Primary School, Bairdihkala Chando, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
9. Surendra Prasad Gupta S/o Bihan Prasad Gupta, Aged About 43 Years Working As Head Master (Primary School), At Government Primary School, Tatijhariya (East), Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
10. Virendra Yadav S/o Devnandan Yadav, Aged About 40 Years Working As Head Master (Primary School), At Government Primary School, Tatijhariya (West), Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh
11. Virendra Prasad Gupta S/o Ramshwarth Gupta, Aged About 51 Years Working As Head Master (Primary School), At Government Primary School, Magaji, Block Kusmi, District Balrampur - Ramanujanj Chhattisgarh





12. Bhagwati W/o Sunil Ram, Aged About 48 Years Working As Head Master (Primary School), At Government Primary School, Premnagar, Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
13. Rajesh Ram S/o Lalluvan Ram, Aged About 43 Years Working As Head Master (Primary School), At Government Naveen Primary School, Bhathupara, , Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
14. Sushil Kumar Kujur S/o Suleman Kujur, Aged About 51 Years Working As Head Master (Primary School), At Government Primary School, Gungrupat, Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
15. Parsu Ram S/o Daferam, Aged About 41 Years Working As Head Master (Primary School), At Government Naveen Primary School, Bijapat, Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
16. Devlal Ram S/o Gulab Ram, Aged About 50 Years Working As Head Master (Primary School), At Government Naveen Primary School, Damchuwa, Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
17. Sukhlal Ram S/o Bilpai Ram, Aged About 46 Years Working As Head Master (Primary School), At Government Naveen Primary School, Barpath, Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
18. Samar Vijay Bhagat S/o Ganesh Bhagat Aged About 37 Years Working As Head Master (Primary School), At Government Girls Primary School, Korandha, Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
19. Dindayal Singh Paikara S/o Karamdayal Paikara, Aged About 39 Years Working As Head Master (Primary School), At Government Primary School, Turripani Khajuri, Block Kusmi, District Balrampur - Ramanujganj Chhattisgarh
20. Subita Lakda W/o Benifas, Aged About 49 Years Working As Head Master (Primary School), At Government Primary School, Bhulsikala, Block Kusmi, 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 Chhattisgarh
4. Collector, District Balrampur - Ramanujganj Chhattisgarh
5. District Education Officer, Balrampur - Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh



6. Block Education Officer, Kusmi, District Balrampur - Ramanujanj Chhattisgarh

-----**Respondents**

(cause title is taken from Case Information System)

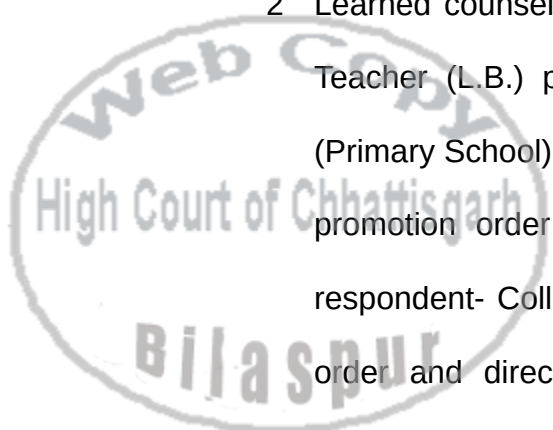
For Petitioner : Mr. Govind Prasad Dewangan, Advocate
For Respondent-State : Mr. Kashif Shakeel, Dy. Advocate General

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

22/02/2023

1. Challenge in this writ petition is to the order dated 20.10.2022 passed by respondent-Collector cancelling promotion of petitioners on the post of Head Master (Primary School) and directed to grant promotion through counselling mode.
2. Learned counsel for petitioners submits that while working as Assistant Teacher (L.B.) petitioners are promoted to the post of Head Master (Primary School) vide order dated 14.10.2022. Mentioning discrepancy in promotion order of Assistant Teachers to the post of Head Master, respondent- Collector vide order dated 20.10.2022 cancelled promotion order and directed to grant promotion through counselling. Several identical writ petitions are filed challenging cancellation of promotion order and this Court considering the fact that respondent Collector has no authority to cancel promotion order issued by Competent Authority i.e. District Education Officer, granted stay in favour of petitioners therein. Impugned order has been passed without issuing any notice to petitioner or affording opportunity of hearing to him.
3. Learned Dy. Advocate General for the State would submit that immediately after issuance of order dated 20.10.2022, respondent-Collector issued clarificatory letter dated 25.10.2022 to the effect that order dated 20.10.2022 is not a cancellation order of promotion but posting of promoted Head Masters has only been stayed. Subsequently, vide order dated 17.2.2023 respondent Collector has cancelled the order constituting Committee for counseling of promoted Head Masters for





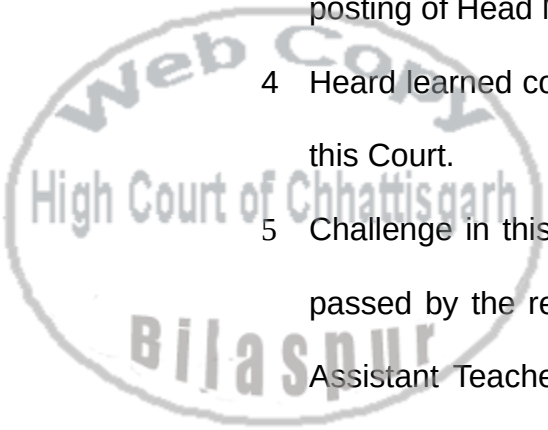
their posting. On the same date i.e. 17.2.2023, respondent District Education Officer constituted five-members Counseling Committee to consider matters relating to posting of promoted Head Masters in terms of letter/instructions dated 7.2.2022 of the Director, Public Instructions, Raipur. He placed before this Court copies of orders dated 25.10.2022 & 17.2.2023 passed by the Collector.

Learned Dy. Advocate General also submits that due to typographical mistake, in the order of the District Education Officer dated 17.2.2023 constituting Committee for counseling of promoted Head Masters for their posting, it has been wrongly mentioned that proceeding of promotion is to be initiated. The Committee constituted by the respondent District Education Officer on 17.2.2023 is only for considering posting of Head Masters who are promoted vide order dated 14.10.2022.

4 Heard learned counsel for parties and perused documents placed before this Court.

5 Challenge in this writ petition is primarily to the order dated 20.10.2022 passed by the respondent Collector cancelling promotion order of 1180 Assistant Teachers (LB) to the post of Head Master (Primary School).

Learned Additional Advocate General for the State has placed before this Court copy of order dated 25.10.2022, which was also considered by this Court while granting interim relief to other similarly situated petitioners on 4.11.2022 in batch of writ petitions, one of which is being WPS No.7358/2022. The Collector has clarified In order dated 25.10.2022 that order dated 20.10.2022 is with respect to stay on posting of newly promoted Head Masters and not on their promotion. A copy of order dated 17.2.2023 passed by the Collector is also placed before this Court by which order dated 27.10.2022 constituting Committee for counseling is cancelled. The order passed by the respondent Collector affecting order of promotion of Assistant Teachers (LB) has already been cancelled. Copy of another order dated 17.2.2023 issued by the





respondent District Education Officer constituting Committee for counselling of promoted Head Masters for their posting, is also placed before this Court.

6 From the facts discussed above and perusal of reliefs sought in this writ petition i.e. quashment of order dated 20.10.2022, which has already been cancelled, it is apparent that grievance raised by petitioner in this petition is redressed by issuance of orders dated 17.02.2023 by the Collector and the District Education Officer, and now nothing remains to be decided in this writ petition.

7 Accordingly, writ petition stands disposed of.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

Judge

