



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 314 of 2023

Smt. Vardani Kujur W/o Jainath Chemako Aged About 37 Years R/o Village Bhairapur, Block Shankargarh, District- Balrampur-Ramanujanj, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh.
2. Director Public Instruction, Indrawati Bhawan, Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh
3. Collector District- Balrampur- Ramanujanj, Chhattisgarh
4. District Education Officer District- Balrampur- Ramanujanj, Chhattisgarh
5. Block Education Officer Shankargarh, District Balrampur-Ramanujanj, Chhattisgarh.

---- Respondents

For Petitioners : Mr. OP Sahu, Advocate
For Respondent - State : Mr. Sandeep Dubey, Dy. AG.

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

27/02/2023

1. Challenge in this writ petition is to the order dated 20.10.2022 passed by respondent-Collector cancelling promotion of petitioner on the post of Head Master (Primary School) and directed to grant promotion through counselling mode.
2. Learned counsel for petitioner submits that while working as Assistant Teacher (L.B.), petitioner is promoted to the post of Head Master (Primary School) vide order dated 14.10.2022 (Annexure P-1). 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

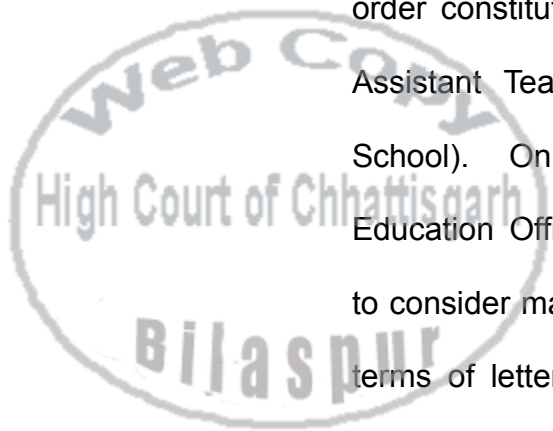


filed challenging cancellation of promotion order and this Court considering the fact that respondent Collector has no authority to cancel promotion order issued by Competent Authority i.e. District Education Officer, granted stay in favour of petitioners therein. Impugned order has been passed without issuing any notice to petitioner or affording opportunity of hearing to him.

3. Learned State Counsel 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 Counselling Committee to consider promotion of Assistant Teachers (LB) to the post of Head Master (Primary School). 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 State Counsel 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 State Counsel 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 and now nothing remains to be decided in this writ petition.
7. Accordingly, writ petition stands disposed of.
8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

J/-