



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1279 of 2023

- Satish Prakash Singh S/o Late Ram Khilawan Singh, Aged About 50 Years R/o Mig 106 Kvt Usha Bhau Thakre, Housing Board Colony Mangla, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Principal Secretary, Department Of School Education, Mantralaya Mahanadi Bhawan, Atal Ngar, Naya Raipur, District : Raipur, Chhattisgarh
2. Director, Directorate Of Public Instruction, Department Of School Education Indrawati Bhawan, Block - C, 1st Floor, Atal Nagar Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer, Dhamtari, District : Dhamtari, Chhattisgarh

---- Respondents

For Petitioner : Shri Faisal Akhtar, Advocate
For Respondents/State ; Shri Kashif Shakeel, Dy AG

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

13.02.2023

1. Heard.
2. Challenge in this writ petition is to the order dated 30.12.2022 (Annexure P1), whereby petitioner who is holding substantive post of Lecturer (Biology) and was posted as In-charge, Block Education Officer, Nagri, district-Dhamtari was posted at Government High School, Tumdeebahar, Block-Nagri, district-Dhamtari on administrative ground.
3. Learned counsel for petitioner would submit that vide order dated 27.07.2021 (Annexure P2), petitioner, who is holding the post of Lecturer and posted in Office of Assistant Programme Coordinator, *Samagr Shiksha*, Korba was posted as In-charge, Block Education Officer, Nagri, district-Dhamtari. Respondent-1 vide order dated 30.12.2022, promoted Assistant Block Education Officer's to the post of Block Education Officer. One Kaliram Sahu Assistant Block Education Officer was promoted and posted in the office of Block Education Officer, Nagri, Dhamtari and on the same



date order was passed directing petitioner to join on his substantive post of Lecturer in Government High School, Tumdeebahar, Block-Nagri, district-Dhamtari. Order of promotion of Assistant Block Education Officer to Block Education Officer was stayed by this Court in WPS-1304 of 2021 vide order 24.03.2021. Respondent/State upon getting knowledge that there is stay on promotion of Block Education Officer had stayed order of promotion vide order 03.02.2023 and therefore, order Annexure P1 be set aside and petitioner may be permitted to work as In-charge, Block Education Officer, Nagri.

4. Learned counsel for the State opposes submissions of counsel for petitioner and would submit that petitioner, who is working as In-charge Block Education Officer and not holding substantive post of Block Education Officer. Petitioner is posted on his substantive post of Lecturer in Government High School, Tumdeebahar vide Annexure P1, there is no error or illegality in passing order Annexure P1. Hence, no interference is called for in the order Annexure P1.

5. Heard learned counsel for the parties and also perused documents placed on record.

6. Admittedly, petitioner is holding substantive post of Lecturer. He was posted as In-charge, Block Education Officer in the year 2021. State Government initiated proceeding for promotion of Assistant Block Education Officer and issued order of promotion on 30.12.2022, and posted one Kaliram Sahu as Block Education Officer at Block-Nagri, district-Dhamtari. Prior to passing of order of promotion on the post of Block Education Officer there was stay in WPS-1304 of 2021. State Government after getting knowledge that there is stay for promotion of Block Education Officer, issued order on 03.02.2023, staying order of promotion. However, further it was ordered that Officers who were already posted at particular place, they will work on the same place with the designation which they were earlier holding.



7. Post of Block Education Officer is an administrative post. Assistant Block Education Officer is also administrative post and feeder cadre for promotion to the post of Block Education Officer. Petitioner was posted in his substantive post of Lecturer which is lower in grade to the Assistant Block Education Officer.

8. In view of order passed by respondent-1 on 03.02.2023 staying order of promotion and further clarifying that Officers/employees who were already posted to be continued with designation which they were holding prior to issuance of order of promotion, petitioner's substantive post is Lecturer and therefore, he cannot as a matter of right claim to be posted as In-charge Block Education Officer. Even in writ petition, the person who is already posted ie Kaliram Sahu pursuant to order dated 30.12.2022 has not been arrayed as party respondent.

9. For the foregoing discussion, I do not find any good ground to interfere with order Annexure P1.

10. Writ petition being devoid of substance, it is liable to be and it is dismissed.

11. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

