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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4363 of 2019

- A.K. Sahare S/o Late Kanwal Singh Aged About 58 Years Presently Working As Block Education Officer, Bodla, Block Bodla, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Public Instructions, Directorate, Indrawati Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Collector Kabirdham, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
4. S.L. Pandro, Principal, Govt. Higher Secondary School, Chilfi, Block Pandariya, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh ---- **Respondents**

WPS No. 4122 of 2021

- A.K. Sahare S/o Late Kanwal Singh Aged About 60 Years Presently Working As Block Education Officer, Bodla, Block Bodla, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Education Department Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Public Instructions, Directorate, Indrawati Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Dayal Singh Lecturer, Govt. Higher Secondary School, Indouri, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondents

WPS No. 4739 of 2022

- Dayal Singh S/o Late J.P. Singh, Aged About 44 Years Occupation- Govt. Service, R/o - Behind The Collectorate Office, Mazgaon Road, Kawardha, District - Kabirdham, Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through - Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. Director, Public Instructions, Directorate Indrawati Bhawan, Nava Raipur, Atal Nagar, District - Raipur, Chhattisgarh
3. District Education Officer, Kawardha, District- Kabirdham, Chhattisgarh

---- Respondents

WPS No. 6410 of 2021

- Dayal Singh S/o Late Thakur J. P. Singh Aged About 42 Years R/o Majgaon Road, Kawardha, District Kabirdham Chhattisgarh ---- **Petitioner**

Versus



1. State Of Chhattisgarh Through The Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Public Instruction Directorate, Indrawati Bhawan, Naya Raipur District Raipur Chhattisgarh
3. Collector Kawardha District Kabirdham Chhattisgarh
4. District Education Officer Kawardha District Kabirdham Chhattisgarh
5. A. K. Sahare S/o Late Kamal Singh Principal / Block Education Officer District Kabirdham Chhattisgarh

---- Respondents

For petitioners : Mr. C. Jayant K. Rao, Mr. Neeraj Choubey and Mr. Ajit Singh, respective Advocates.

For Respondent/State : Mr. Sandeep Dubey, Dy.A.G.

Hon'ble Shri Justice Narendra Kumar Vyas.

Order on Board

(08-08-2022)

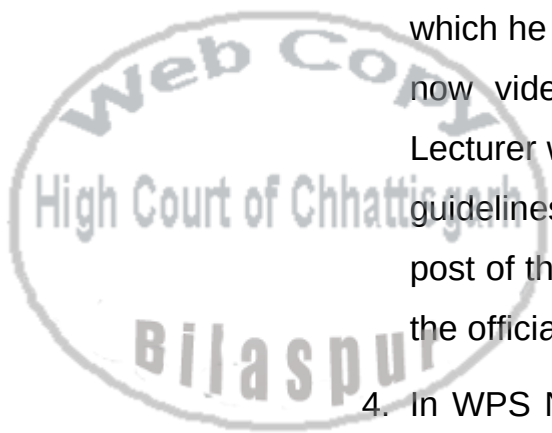
1. Since an identical issued is involved in bunch of these four cases, they are heard analogously and are being disposed of by this common order.
2. In WPS No 4363 of 2019 has been filed by the petitioner against the order dated 4-6-2019 by which the petitioner who is working as Block Education Officer, Boda, has been attached as Principal, Government Higher Secondary School, Podi, block Bodla. The grievance of the petitioner is that he was posted as Block Education Officer, Block Bodla by order dated 11-8-2017 of, the State Government vide Annexure P/2. He is a Class II Gazetted officer, therefore, the order of his posting cannot be interfered with by the Collector of the District, despite that, the impugned order (Annexure P/1) datd 4-6-2019 has





been passed by the Collector, District Kabirdham to attach him as Principal of Government of Higher Secondary School, Podi, block Bodla and post the respondent No.4 as Block Education Officer in his place, which is without jurisdiction and contrary to the rules and guidelines.

3. In WPS No. 4122 of 2021 has been filed by the petitioner challenging the order dated 27-7-2021 by which the petitioner who is working as Block Education Officer, Bodla has been posed as Principal at Government Higher Secondary School, Podi, Block Bodla, District Kabirdham. The grievance of the petitioner is substantively a Principal and is entitled to hold the post of Block Education Officer, which he has been holding since 2017 onwards and that the petitioner now vide impugned order Annexure P/1 is being replaced by a Lecturer who is holding a lower post which is contrary to the rules and guidelines. Further grievance of the petitioner is that the substantive post of the petitioner is Principal and the respondents have withdrawn the officiating charge of Block Education Officer.
4. In WPS No. 6410 of 2021 and 4739 of 2022 have been filed by the petitioners against the transfer order dated 4-10-2018 and 27-7-2021. The grievance of the petitioners is that they are working as Lecturers in their respective schools and they have claimed that they should be given officiating charge of Block Education Officer, Bodla.
5. Considering the fact that the officiating charge of right does not confer any right to any Government servant and it is for the Government to give officiating charge to an employee according to administrative exigency.
6. Accordingly, interim order passed earlier by this court in WPS No. 4363 of 2019 and 4122 of 2021 stand vacated.
7. Let the State examine the issue and pass an order in accordance with law which is better interest of the administration and proper utilisation of the man-power employed by the State.





8. With the aforesaid observation, the instant writ petitions stand disposed of.

Sd/-
(Narendra Kumar Vyas)
JUDGE

Raju

