



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No.5985 of 2021

- Amar Vijay Ram S/o Late Jagdhari Ram Aged About 55 Years Presently Working On The Post In-Charge Principal At Govt. High School Jabar, Block Balrampur Distt Balrampur Ramanujanj (C.G.), District : Balrampur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahahnadi Bhawan, New Raipur, Distt-Raipur (C.G.), District : Raipur, Chhattisgarh
2. Director, Directorate Of Public Education Indrawati Bhawan New Raipur Distt. Raipur (C.G.), District : Raipur, Chhattisgarh
3. The Divisional Joint Director Public Education Surguja Division Ambikapur Distt. Surguja (C.G.), District : Surguja (Ambikapur), Chhattisgarh
4. The District Education Officer Balrampur Distt. Balrampur Ramanujanj (C.G.), District : Balrampur, Chhattisgarh
5. The Block Education Officer Balrampur Distt. Balrampur Ramanujanj (C.g.), District : Balrampur, Chhattisgarh
6. Sanju Ram Kanoujiya Working On The Post Of Lecturer (L.B), Govt. High School Jabar Block Balrampur Distt. Balrampur Ramanujanj (C.G.), District : Balrampur, Chhattisgarh

-----**Respondents**

08/11//2021	Shri A. N. Pandey, counsel for the petitioner/s. Shri Amit Buxi, Panel Lawyer for the State/respondents No.1 to 5, on advance copy. Shri Asseem Bhagwat Gopal, counsel for respondent No.6-Sanju Ram Kanoujiya, on caveat. Heard on admission.



Admit.

Since learned counsel for the respondents have already accepted the notice on behalf of all the respondents, hence, issuance of notice is dispensed with.

Also heard on I.A.No.1 of 2021, an application for staying the effect and operation of the order impugned dated 04-10-2021 (Annexure P-1) pending decision of this petition.

Learned counsel for the petitioner submits that vide order dated 08-09-2021(Annexure P-8) passed by the District Education Officer, District Balrampur-Ramanujganj, the petitioner was posted as Incharge Principal of Government High School, Jabar, Block Balrampur, District Balrampur-Ramanujganj on the basis of his seniority and the petitioner has assumed the charge of Incharge Principal in pursuance of the said order dated 08-09-2021. It is contended further that being aggrieved by the said order (Annexure P-8), respondent No.6-Sanju Ram Kannojiya has preferred a petition i.e.W.P.S.No.5522 of 2021 (**Sanju Kanoniya vs. State of Chhattisgarh & Others**), wherein this Court vide order dated 01-10-2021 (Annexure P-10) has directed for issuance of notice to the respondent No.5 only. Further contention of the petitioner is that the effect and operation of the said order dated 08-09-2021 (Annexure P-8) has not been stayed in the said writ petition, but, immediately after three days of passing of the said order, i.e. 01-10-2021, the order impugned dated 04-10-2021 (Annexure P-1) has been passed by the respondent No.3-Divisional Joint Director, Public Education, Surguja Division, even without assigning any reason for it. It is, therefore, submitted that the effect and operation of the impugned order dated 04-10-2021 be stayed pending decision of this petition.

On the other hand, learned counsel for respondent No.6 submitted that although, the effect and operation of the order dated 08-09-2021 (Annexure P-8) was not stayed in the said petition, i.e. W.P.(S)No.5522 of 2021 "**Sanju Kanoniya vs. State of Chhattisgarh & Others**", but the concerned respondent authorities have not been restrained in passing any order, as such, the order impugned, is not required to be stayed, particularly when he has assumed the charge of Principal in pursuance of the order impugned dated 04-10-2021 (Annexure P-1).



Considering the aforesaid contention of the parties and considering further that since the petitioner, who was senior to respondent No.6 and by virtue of order dated 08-09-2021, he was posted as In-charge Principal of Government High School, Jabar, Block Balrampur, District Balrampur-Ramanujganj and the effect and operation of the said order dated 08-09-2021 (Annexure P-8) has not been stayed in the said writ petition on 01-10-2021 and immediately thereafter, the order impugned has been passed, I am inclined to stay the effect and operation of the same (Annexure P-1).

Accordingly, it is directed that the effect and operation of the order impugned dated 04-10-2021 (Annexure P-1) passed by the respondent No.3-Divisional Joint Director, Public Education, Surguja Division, shall remain stayed till the decision of this petition.

Accordingly, the application (I.A.No.1 of 2021) stands disposed of.

Post this matter for final hearing in its turn.

SD/-
(Sanjay S. Agrawal)
Judge