



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 7062 of 2023Vidyanand Patel **Versus** State of Chhattisgarh & Ors

Along with

WPS/7065/2023, WPS/7066/2023, WPS/7067/2023, WPS/7072/2023,
 WPS/7075/2023, WPS/7080/2023, WPS/7082/2023, WPS/7083/2023,
 WPS/7085/2023, WPS/7086/2023, WPS/7087/2023, WPS/7088/2023,
 WPS/7089/2023, WPS/7091/2023, WPS/7092/2023, WPS/7093/2023,
 WPS/7096/2023, WPS/7098/2023, WPS/7099/2023, WPS/7100/2023,
 WPS/7101/2023, WPS/7102/2023, WPS/7104/2023, WPS/7108/2023,
 WPS/7109/2023, WPS/7111/2023, WPS/7113/2023, WPS/7114/2023,
 WPS/7117/2023, WPS/7121/2023, WPS/7123/2023, WPS/7124/2023,
 WPS/7125/2023, WPS/7133/2023, WPS/7139/2023, WPS/7145/2023,
 WPS/7146/2023, WPS/7161/2023, WPS/7162/2023, WPS/7169/2023,
 WPS/7095/2023, WPS/7097/2023, WPS/7106/2023, WPS/7107/2023,
 WPS/7112/2023, WPS/7119/2023, WPS/7120/2023, WPS/7122/2023,
 WPS/7134/2023, WPS/7135/2023, WPS/7142/2023, WPS/7143/2023,
 WPS/7144/2023, WPS/7204/2023, WPS/7207/2023, WPS/7222/2023,
 WPS/7224/2023, WPS/7137/2023, WPS/7138/2023, WPS/7174/2023,
 WPS/7175/2023, WPS/7180/2023, WPS/7181/2023, WPS/7182/2023,
 WPS/7183/2023, WPS/7184/2023, WPS/7186/2023, & WPS/7188/2023.

14.09.2023	<p>Mr. Mateen Siddiqui, Mr. Parag Kotecha, Mr. Waquar Naiyer, Mr. GP Dewangan, Mr. Pramod Ramteke, Mr. Dilman Rati Minj, Mr. Mahesh Mishra, Mr. Ajay Shrivastava, Ms. Priya Kaiwart, Mr. KP Sahu, Advocate for the respective petitioners.</p> <p>Mr. Sandeep Dubey, Dy. AG alongwith Mr. Shubham Verma, PL for the respondent/State.</p> <p>It is pointed out by the Registry that there are defaults in</p>



some of the writ petitions.

Learned counsel for the respective petitioners are directed to rectify/cure the defaults, if any, within 'ten days', failing which writ petition shall stand dismissed automatically without further reference to the Bench.

Heard on admission.

Petitions are admitted for hearing.

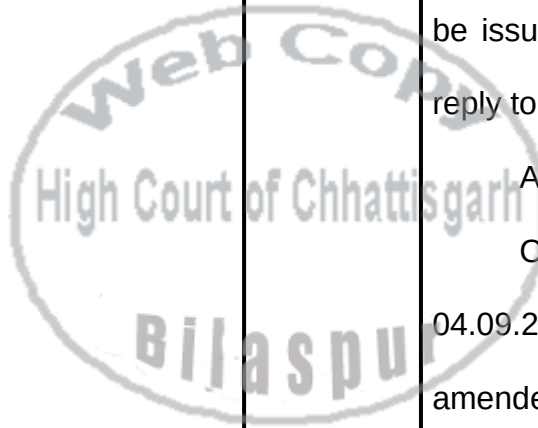
Issue notice to the respondents.

Mr. Sandeep Dubey, learned State Counsel accepts notice on behalf of the respondent-State, hence, notice is not required to be issued. He prays for and is granted three weeks' time to file reply to writ petitions.

Also heard on application for grant of interim relief/stay.

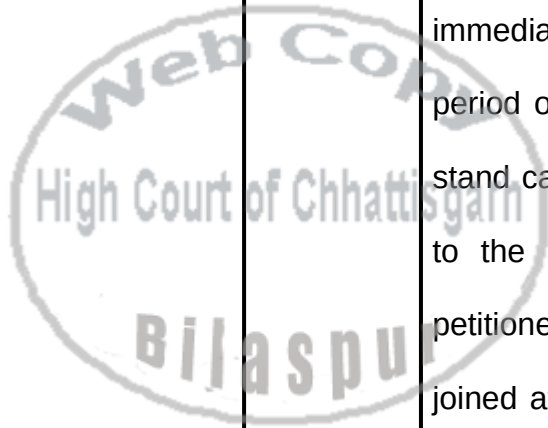
Challenge in these writ petitions is to the order dated 04.09.2023 issued by respondent-State thereby cancelling the amended posting order of the respective petitioners issued by the concerned Divisional Joint Director.

Learned counsel for the respective petitioners have jointly submit that the petitioners, who were working as 'Assistant Teacher/Teacher' have been considered for their promotion to the post of 'Teacher/Headmaster'. After granting promotions as per Guidelines dated 29.03.2023, the counselling was done and posting orders were issued. Some of the promoted Teachers/Headmasters have submitted application praying for change in their posting after promotion and accordingly, amended





posting orders were issued by the authority concerned and pursuant thereto, petitioners herein and other affected teachers/headmasters have joined at the new place of posting. However, vide impugned order dated 04.09.2023 respondent No.1 has cancelled the amended posting order of the petitioners and other similarly situated Teachers/Headmasters holding that the authorities concerned have issued amended posting are illegal and without authority of law. It was also directed that if any teacher/headmaster has joined at new place of posting on the strength of amended posting order, then he/she would be relieved immediately to join at his/her original place of posting within a period of ten days, failing which his/her order of promotion shall stand cancelled automatically. They further submits that pursuant to the amended posting order issued by the Joint Director, petitioners and other affected teachers/headmasters have already joined at the place where they have posted, Last Pay Certificate (LPC) has also been sent there and they are also drawing salary from the last 02-03 months. Before passing the impugned order, by which mass transfers have been done, any opportunity of hearing is not offered to the petitioners. Hence, the impugned order passed is perverse and arbitrary. In a batch of writ petitions, lead case being WPS No.6253/20223, filed by other similarly situated teachers/headmasters, this Court has passed an order on 11.9.2023 directing the parties to maintain *status quo* as existing on that date. After passing of the order dated 11.09.2023, the





Joint Director (Education) issued letter to all the District Education Officers directing them not to accept joining of the Teachers/Headmasters, who have been relieved to join at their respective place of posting prior to issuance of amended posting order nor allow them to join back at the place from where they have been relieved. On account of aforesaid direction, the Teachers/Headmasters who have been relieved pursuant to order dated 04.09.2023 are in lurch and therefore, learned counsel for respective petitioners pray that the petitioners may be protected either by staying the effect and operation of the order impugned dated 04.09.2023 or directing the parties to maintain status quo with respect to posting of petitioners, as was existing on 04.09.2023.

Learned State Counsel submits that he will file reply to the application for grant of interim relief/stay also. However, he submits that he has no objection if *status quo* order, as passed in WPC No.6253/2023 and other connected matters, is passed in these writ petitions also.

Taking into consideration facts and circumstances of case, submissions of learned counsel for respective parties, documents available in record of writ petition, status quo order passed in other identical writ petitions, purely as an interim measure, it is directed that the *Status Quo*, as existing on 11.09.2023, with respect to the posting of the petitioners, shall be maintained by



the parties till the next date of hearing.

List all these cases together and list them alongwith other identical cases immediately after the reply is filed on behalf of State.

CC as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

