



HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

WPS No. 6545 of 2021

Ku. Kamla Nag D/o Late Shri Birbal Nag Aged About 60 Years Presently
Posted As Principal, Government Higher Secondary School, Pratappur,
District- Surajpur, Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
2. Under Secretary Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
3. Director Of Public Instructions Through Its Director, Raipur, Chhattisgarh.
4. District Education Officer Surajpur, District- Surajpur, Chhattisgarh.
5. District Education Officer Balrampur, District- Balrampur, Chhattisgarh.

---- Respondents

1	
02.12.2021	Shri Abhyuday Singh, counsel for the Petitioner. Shri Lalit Jangde, Dy. G.A. for the State/Respondents. Heard on admission. Admit. No notice is required to be issued to the Respondents as Shri Jangde accepts notice on their behalf. Also heard on I.A. No.01/2021, an application for grant of interim relief. Learned counsel for the Petitioner submits that vide order impugned dated 11.11.2021 (Annexure P-1), the petitioner has been transferred from Pratappur to District Balrampur at the option of the District Education Officer treating the petitioner to an employee under the 'T-cadre' category, however, she is 'E-cadre' employee as she was initially appointed by the Education Department vide order dated 04.01.1986



(Annexure P-3). He, therefore, submits that the order impugned is prima-facie illegal and not sustainable in the eye of law. While inviting attention to clause-2 of the transfer order dated 11.11.2021, it is submitted further that in case there is an interchange of the cadres, the said transfer order may automatically stand cancelled, however, without considering the said fact, the petitioner has been relieved by the District Education Officer, Surajpur vide order impugned dated 12.11.2021 (Annexure P-2). Further contention of him is that since the alleged transfer order has been passed at the option of the District Education Officer, Balrampur for her posting which is, therefore, impermissible under the law as the petitioner is Class-II Officer (Gazetted) and only Respondent No.1 could post her. It is therefore, contended that the manner in which the order impugned dated 11.11.2021 (Annexure P-1) and relieving order dated 12.11.2021 (Annexure P-2) passed are not at all sustainable in the eye of law and deserve to be stayed, pending decision of the petition.

On the other hand, Shri Jangde, counsel for the State while opposing the aforesaid contentions of the petitioner submits that the orders impugned itself show that the petitioner is categorised as 'T-cadre' employee and, contended further that as the power to posting of the petitioner has already been delegated to the District Education Officer, Balrampur, therefore, it cannot be said that the orders impugned have been passed by the Authority who is not competent to pass the same as alleged by the Petitioner herein.

Having considered the aforesaid contentions of the parties and considering further the initial appointment of the petitioner as made on 04.01.1986 (Annexure P-3), it prima-facie appears that the petitioner would come within the purview of "E-cadre" employee and not the "T-cadre" employee as mentioned in the order impugned dated 11.11.2021 (Annexure P-1) and, considering further clause 2, which provides that the transfers would be treated to be stand cancelled, if it is made interchange between



cadres, I am, therefore, inclined to stay the effect and operation of the orders impugned.

Accordingly, it is directed that the effect and operation of the order impugned dated 11.11.2021 (Annexure P-1) passed by Respondent No.1 as well as the relieving order dated 12.11.2021 (Annexure P-2) passed by the District Education Officer, Surajpur, shall remain kept in abeyance until further orders, in so far as the present petitioner alone is concerned.

I.A. No.01/2021 thus, stands disposed of.

Post this matter for final hearing in its due course.

Sd/-
(Sanjay S. Agrawal)
JUDGE

