NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.521 of 2023

1. Shri Devchand Singh S/o Late Shri Ram Briksh Singh Aged About 46 Years Occupation- Service, Posted As Head Master, Government Primary School Brajbandha, Block Balrampur, District Balrampur-Ramanujganj (C.G.)
2. Smt. Renu Clara Toppo W/o Shri Ravindra Ram Aged About 40 Years Occupation- Service, Posted As Head Master, Government Primary School Rajbandha, Block Balrampur, District Balrampur-Ramanujganj (C.G.)
3. Shri Ranjan Mistry S/o Shri Nirapad Mistry Aged About 43 Years Occupation- Service, Posted As Head Master, Government Primary School Dhangaon, Block Balrampur, District Balrampur-Ramanujganj (C.G.)
4. Smt. Revanti Bai W/o Shri Mahendra Prajapati Aged About 35 Years Occupation- Service, Posted As Head Master, Government Primary School Barwahi, Block Balrampur, District Balrampur-Ramanujganj (C.G.)
5. Shri Lavang Say S/o Shri Sadhuram Aged About 37 Years Occupation- Service, Posted As Head Master, Government Primary School Fhatehpur, Block Balrampur, District Balrampur-Ramanujganj (C.G.)

Web Copy
High Court of Chhattisgarh
Bilaspur

---- Petitioners

Versus

1. The State Of Chhattisgah Through The Secretary, Department Of School Education, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. The Director, Lok Shikshan Sanchalnalaya, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
3. The Collector, District Balrampur - Ramanujganj Chhattisgarh
4. The Sub Divisional Officer (Rev.), Balrampur, District Balrampur - Ramanujganj Chhattisgarh
5. The District Education Officer, Balrampur, District Balrampur - Ramanujganj Chhattisgarh
6. The Block Education Officer - Balrampur, District Balrampur - Ramanujganj Chhattisgarh

---- Respondents

For Petitioners : Mr. Rahul Mishra, Advocate
For Respondent-State : Mr. Sandeep Dubey, Dy. Adv. General

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

23/02/2023

1. Challenge in this writ petition is to the order dated 20.10.2022 passed by re21spondent-Collector cancelling promotion of petitioners on the post of Head Master (Primary School) and directed to grant promotion through counselling mode.
2. Learned counsel for petitioners submits that while working as Assistant Teacher (L.B.), petitioners are promoted to the post of Head Master (Primary School) vide order dated 14.10.2022 (Annexure P-1). Mentioning discrepancy in promotion order of Assistant Teachers to the post of Head Master, respondent - Collector vide order dated 20.10.2022 cancelled promotion order and directed to grant promotion through counselling. Several identical writ petitions are filed challenging cancellation of promotion order and this Court considering the fact that respondent Collector has no authority to cancel promotion order issued by Competent Authority i.e. District Education Officer, granted stay in favour of petitioners therein. Impugned order has been passed without issuing any notice to petitioners or affording opportunity of hearing to them.
3. Learned counsel for the State would submit that immediately after issuance of order dated 20.10.2022, respondent-Collector issued clarificatory letter dated 25.10.2022 to the effect that order dated 20.10.2022 is not a cancellation order of promotion but posting of promoted Head Masters has only been stayed. Subsequently, vide order dated 17.2.2023 respondent-Collector has cancelled the order constituting

Web Copy
High Court of Chhattisgarh
Bilaspur

Committee for counselling of promoted Head Masters (Primary School) for their posting. On the same date i.e. 17.2.2023, respondent District Education Officer constituted five-members Counselling Committee to consider matters relating to posting of promoted Head Masters in terms of letter/instructions dated 7.2.2022 of the Director, Public Instructions, Raipur. He placed before this Court copies of orders dated 25.10.2022 & 17.2.2023 passed by the Collector and District Education Officer.

Learned State Counsel also submits that due to typographical mistake, in the order of the District Education Officer dated 17.2.2023 constituting Committee for counselling of promoted Head Masters for their posting, it has been wrongly mentioned that proceeding of promotion is to be initiated. The Committee constituted by the District Education Officer on 17.2.2023 is only for considering posting of Head Masters who are promoted vide order dated 14.10.2022.

Web Copy
High Court of Chhattisgarh
Bilaspur

4. Heard learned counsel for parties and perused documents placed before this Court.

5. Challenge in this writ petition is primarily to the order dated 20.10.2022 passed by the respondent-Collector cancelling promotion order of 1180 Assistant Teachers (LB) to the post of Head Master (Primary School). Learned State Counsel has placed before this Court copy of order dated 25.10.2022, which was also considered by this Court while granting interim relief to other similarly situated petitioners on 4.11.2022 in batch of writ petitions, one of which is being WPS

No.7358/2022. The Collector has clarified in order dated 25.10.2022 that order dated 20.10.2022 is with respect to stay on posting of newly promoted Head Masters and not on their promotion. A copy of order dated 17.2.2023 passed by respondent Collector is also placed before this Court by which order dated 27.10.2022 constituting Committee for counselling is cancelled. Copy of another order dated 17.2.2023 issued by District Education Officer constituting Committee for counselling of promoted Head Masters for their posting, is also placed before this Court.

6. From the facts discussed above and perusal of reliefs sought in this writ petition i.e. quashment of order dated 20.10.2022, 27.10.2022 & 31.10.2022, which are already cancelled, it is apparent that grievance raised by petitioners in this petition is redressed by issuance of orders dated 17.2.2023 by the Collector and the District Education Officer, and now nothing remains to be decided in this writ petition.

7. Accordingly, writ petition stands disposed of.

8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-

Web Copy
High Court of Chhattisgarh
Bilaspur