

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (S) No.6253 of 2023

Anju Kumari Berman, W/o Gopal Prasad Soni, aged about 47 years, R/o Baniya Toli, Ward No.03, Jashpur, District Jashpur, Chhattisgarh

--- **Petitioner**

versus

1. State of Chhattisgarh through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Director, Public Instruction, Directorate, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
3. Divisional Commissioner, Surguja, District Surguja, Chhattisgarh
4. Joint Director, Surguja, District Surguja, Chhattisgarh
5. Collector, Ambikapur, Surguja, District Surguja, Chhattisgarh
6. District Education Officer, Ambikapur, Surguja, District Surguja, Chhattisgarh

--- **Respondents**

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| 11.9.2023 | <p>Shri Manoj Paranjpe, Advocate for the Petitioner.</p> <p>Shri S.C. Verma, Advocate General with Shri Sandeep Dubey, Deputy Advocate General and Shri Shubham Verma, Panel Lawyer for the Respondents/State.</p> <p>Heard on admission as well as on I.A. No.1 for grant of ad interim relief.</p> <p>The petition is admitted for hearing.</p> <p>Issue notice on merits as well as on I.A. No.1 to the Respondents/State.</p> <p>Shri S.C. Verma, Advocate General appearing with Shri Sandeep Dubey, Deputy Advocate General and Shri Shubham Verma, Panel Lawyer take the notice on behalf of the Respondents/State. Hence, no notice is required to be issued by the Registry.</p> <p>Learned Counsel appearing for the Petitioner submits that the Petitioner was working as an Assistant Teacher and has been considered for promotion to the post of Teacher.</p> | |

After making promotions, in the light of guidelines dated 29.3.2023, counselling was done and posting order of the Petitioner and other persons were issued. Thereafter, on the basis of the applications received from some of the Teachers, amended posting orders were issued by the Joint Director. On the basis of the said orders of the Joint Director, the Petitioner and other promoted Teachers, who had applied for change of their places of posting, joined the new places of posting. Thereafter, the State Government, vide the impugned order dated 4.9.2023, cancelled the amended posting orders of the Petitioner and other Teachers and it was directed that any Teacher, who has joined the new place of posting on the basis of the amended posting order, would be relieved and he/she shall join the new place of posting ordered further within 10 days and if he/she does not join the new place of posting within the stipulated period, his/her promotion shall automatically be cancelled.

Learned Counsel appearing for the Petitioner further submits that since the Petitioner has already joined the place of posting allotted to her vide the amended posting order and her Last Pay Certificate (LPC) has also been sent there and she is also getting there salary for the last 2-3 months, the impugned order passed by the Respondents/State is arbitrary. Before passing of the said order, no opportunity of hearing was afforded to the Petitioner and vide the impugned order mass transfers have been done. Therefore, it is prayed by the Learned Counsel that the effect and operation of the impugned order dated 4.9.2023 may be stayed till final disposal of the instant writ petition.

Learned Advocate General appearing for the Respondents/State submits that it was found by the State Government that without any authority the Joint Directors (Education) issued the amended posting orders. It was also

found that in issuing the said amended posting orders, mass corruption has been done and, therefore, the concerned Joint Directors have also been placed under suspension and inquiry against them is going on. Learned Advocate General further submits that since a detailed reply is required, 3 weeks' time is needed.

Considering the submissions made on behalf of the parties, 3 weeks' time is granted to the Respondents/State for submission of their reply.

Meanwhile, the parties are directed to maintain *status quo* as it exists today till the next date of hearing.

List the instant writ petition immediately after submission of the reply of the Respondents/State.

It is informed by the Learned Counsel appearing for the parties that approximately 600-700 similar writ petitions have already been filed by other affected Teachers. Registry is directed to list the similar petitions for hearing on 13.9.2023.

Sd/-

(Arvind Singh Chandel)
Judge