

R.L. Manhar Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Sept. 14, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: K.K. Singh, R.K. Gupta

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. It appears that the petitioner is more aggrieved by the impugned order dated 30.8.2018, Annexure P-1, whereby the respondent no.5 has been made

as the In-charge Principal with the administrative and financial powers for the Government Gurukul School, Pendra Road, District Bilaspur.

2. The sole contention of the petitioner is that the petitioner is senior to respondent no.5 and that the petitioner was already working at the Government

Gurukul School, Pendra Rod, Bilaspur as the Vice Principal and after the retirement of the earlier regular Principal, the petitioner was exercising the

drawing and disbursement powers till the order, Annexure P-1, has been passed.

3. He further submits that by the impugned order the respondents have placed the respondent no.5, who is the junior to the petitioner, with the charge

of Principal as also with administrative and financial powers which would create an embarrassing position to the petitioner. He refers to the

government instructions in this regard, Annexure P-5, dated 4.8.2011, whereby it has been decided as a policy matter by the Government to ensure

that on a post getting vacant, the next senior most person in the department should be made In-charge.

4. Given the aforesaid factual matrix of the case, this Court does not intend to keep the petition pending, rather, ends of justice would meet if the

petitioner is made to make another representation within 10 days, in addition to what he has already made on 5.9.2018, apprising respondent no.1 in

respect of his grievances along with all supportive documents. On such representation, the respondent authorities would take a decision within 45 days

from the date of receipt of the representation, keeping in view the government instructions as also the inter se seniority between the petitioner and

respondent no.5 in mind.

5. Till then, let status quo as it exists today be maintained. That is to say that, in case, if the impugned order, Annexure P-1, has not been acted upon it

shall not be acted upon till the representation of the petitioner is decided.

6. Needless to mention that, in case, if the petitioner fails to make his representation within 10 days, the order passed by this Court would lose its

efficacy.

7. The writ petition accordingly stands disposed of with the aforesaid observations.