

(2018) 07 CHH CK 0204

Chhattisgarh High Court

Case No: Writ Appeal No. 145 Of 2018

Rajendra Prasad Ratre

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: July 13, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Pritinker Diwaker, J

Bench: Division Bench

Advocate: P.K.C. Tiwari, Shashi Bhushan Tiwari, U.N.S. Deo, Prasoon Agrawal

Final Decision: Allowed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard the learned senior counsel for the Appellant and counsel for the State as well as the private Respondent No.4.

2. Submissions of the learned senior counsel for the Appellant is that the learned Single Judge has erroneously dismissed the writ application vide order

dated 12.01.2018 not appreciating the fact that private Respondent No.4 was given the responsibility of a Cluster Academic Coordinator because of

the fact that the Appellant was put under suspension pursuant to a strike call and his arrest and detention for more than 48 hours.

3. Private Respondent No.4 is only an Assistant Teacher whereas the selection and appointment and handling of the responsibility was saddled upon

the present Appellant as a teacher, as a Cluster Academic Coordinator, after due process. Once the Appellant's suspension was revoked as a natural

corollary he should have been allowed to go and join as a Cluster Academic Coordinator and not be relegated to the post of a teacher and to the

school from where he was selected and appointed as a coordinator.

4. Keeping in mind that it was a temporary arrangement which was resorted to, under the circumstances, by the State, the revocation of suspension of the Appellant should have restored him to the post of Cluster Academic Coordinator.

5. If the State authorities thereafter were of the opinion that his continuance as a Cluster Academic Coordinator because of his activities or in failure performance of duty, necessitates an appropriate decision it could be taken independently.

6. The appeal is allowed. The impugned order dated 12.01.2018 is quashed. The Respondents authorities will restore the Appellant to the post of Cluster Academic Coordinator. His continuance thereafter on that post will be left to the wisdom of the competent authority.