



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No.6148 of 2021

- Lakhan Ram Sahu S/o Shri Son Sai Sahu Aged About 53 Years Presently Working As Assistant Grade-II In The Office Of The District Education Officer, District Dhamtari Chhattisgarh And R/o Near Vodafone Tower, Mahatma Gandhi Ward, Naya Para, Dhamtari Post Tahsil And District Dhamtari Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. The Commissioner-Cum-Director Directorate Of Public Instructions, Chhattisgarh Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh
3. The District Education Officer District Dhamtari Chhattisgarh

-----Respondents

10/11//2021	Shri Shishir Dixit , counsel for the petitioner/s. Shri Neeraj Pradhan, Panel Lawyer for the State/respondents, on advance copy. Heard on admission. Admit. Since learned counsel for the respondents/State has already accepted the notice on behalf of all the respondents, hence, issuance of notice is dispensed with. Also heard on I.A.No.1/2021, an application for grant interim relief. Learned counsel for the petitioner submits that the petitioner was regularized on the post of Peon on 12-02-2006 (Annexure P-4) and thereafter, he was promoted on the post of Assistant Grade III vide order dated 16-10-2006 (Annexure P-5) passed by the respondent No.3-District



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Education Officer, Dhamtari. It is contended further that all of a sudden by way of order impugned dated 05-10-2021 (Annexure P-1), the Deputy Director, Directorate of Public Instructions, Chhattisgarh, has directed the respondent No.3-District Education Officer, Dhamtari, to cancel the aforesaid promotion order, even without issuing any show cause notice to the petitioner. It is contended further that the petitioner has been promoted in accordance with rules known as Madhya Pradesh Education Department, Non-collegiate Class III (Clerical Cadre) Recruitment and Promotion Rules, 1973, wherein no such criteria, in relation to alleged promotion, has been provided. Learned counsel for the petitioner, therefore, prays for staying the effect and operation of the order impugned dated 05-10-2021 (Annexure P-1) pending decision of this petition.

Shri Pradhan, learned State counsel prays for four weeks time to file return of the petition as well as reply to the said application for grant of interim relief.

Time, as prayed for, is granted.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the order impugned dated 05-10-2021 (Annexure P-1) passed by the Deputy Director, Directorate of Public Instructions, Chhattisgarh, shall remain stayed till the next date of hearing.

Post this matter after four weeks for consideration on I.A.No.1 of 2021.

SD/-
(Sanjay S. Agrawal)
Judge