

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7354 of 2022

- Govind Prasad Choursiya S/o Shri Bhajoram Choursiya Aged About 57 Years Working As Principal And Posted At Swami Atmanand Govt. Multipurpose - 3 Excellent Hindi Medium School, Janjgir No. - 2 (Khokharabhantha), District : Janjgir-Champa, Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. Director Directorate Of Chhattisgarh Public Instruction Indravati Bhawan, Raipur District Chhattisgarh.
3. Collector And President Swami Atmanand Govt. Multipurpose Excellent Hindi Medium School, Operation And Management Society, District : Janjgir-Champa, Chhattisgarh
4. District Education Officer Janjgir, District : Janjgir-Champa, Chhattisgarh
5. Pramod Kumar Aditya Govt. Higher Secondary School Shivni (Champa), District : Janjgir-Champa, Chhattisgarh
----Respondents

15.11.2022	Shri Ajay Shrivastava, counsel for the petitioner. Shri Suyash Dhar Badgayya, PL for the State. Heard. Learned counsel for the petitioner would submit that petitioner has filed an application (IA-03 of 2022) for not pressing Annexure P3 and P6. Learned counsel for the State has no objection to the prayer in aforesaid application. In view of submission made by learned counsel for the
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petitioner, registry is directed to mark Annexure P3 and P6 as not pressed.

Heard on admission.

Issue notice to respondents.

Shri Suyash Dhar Badgayya, learned PL accepts notice on behalf of respondents-1, 2 and 4 hence, PF is not required to be paid to these respondents.

On payment of PF as per rules, issue notice to respondents-3 and 5. Notice be made returnable within four weeks.

Also heard on IA-1 of 2022, application for stay.

Learned counsel for the petitioner would submit that petitioner was sent on deputation to Swami Atmanand Government Multipurpose Excellent Hindi Medium School, Janjgir-Champa vide order dated 21.04.2022. In the order of deputation, it is specifically mentioned that it is for a period of four years, and if order of deputation is to be modified, then, prior permission of State Government is to be obtained. Respondent authority, without obtaining prior permission, passed an order dated 18.10.2022, repatriating services of petitioner to School Education department,

which is contrary to law.

Learned counsel for the State submits that order has been passed repatriating the petitioner and posting some other employee, awaiting approval of competent authority. However, upon asking he submits that till date, as per instructions, approval has not been accorded. Considering date of deputation ie 21.04.2022, order dated 18.10.2022 and further till date proposal submitted by respondent-3 has not been approved by competent authority, it is directed that purely as an interim measure, impugned order shall remain stayed till the next date of hearing.

List this case in the week commencing **5th December**, 2022.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma