

(2018) 04 RAJ CK 0219
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5556 of 2018

Raju Ram Nayak @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 20-04-2018

Acts Referred:

Rajasthan Educational Subordinate Service Rules, 1971 — Rule 6D

Citation : (2018) 04 RAJ CK 0219

Hon'ble Judges : ARUN BHANSALI, J

Bench : Single Bench

Advocate : Pramendra Bohra

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner aggrieved against the order dated 31/3/2018 passed by the District Education Officer, Primary

Education, Bikaner, whereby, the petitioner has been directed to be relieved by 5/4/2018 from the place of his present posting and office order dated

4/4/2018 passed by the Head Master, Govt. Upper Primary School, Kayam Khani Masjid, Bikaner, whereby, the petitioner has been relieved pursuant

to the order dated 31/3/2018.

The petitioner was transferred by order dated 24/7/2000 to Government Upper Primary School, Kayam Khani Masjid, Bikaner where he joined on

5/8/2000. Subsequent thereto, on 19/9/2013 by way of working arrangement the petitioner was posted at Government Primary School, Rajiv Nagar,

Meghwalo Ka Mohalla, Bikaner.

On 8/6/2016, the District Education Officer, Secondary Education, Bikaner passed an order, whereby, the petitioner was granted posting on account of

change of set up from Elementary Education to Secondary Education in terms of Rule 6D of the Rajasthan Educational Subordinate Service Rules,

1971 (the Rules, 1971), whereby, from Government Upper Primary School, Kayam Khani Masjid, Bikaner, the petitioner was posted at Govt.

Adarsh Senior Secondary School, Baladesar, Bikaner, however, apparently the petitioner was not relieved in pursuance of the order dated 8/6/2016

and it has been indicated by the petitioner that as the school was a single teacher school, the petitioner was not relieved.

Whereafter, on 31/3/2018, the District Education Officer, Primary Education, Bikaner directed relieving of the petitioner from Government Primary

School to Government Senior Secondary School, Garbdesar, Loonkaransar with immediate effect and a copy of the order was also marked to the

Deputy Director, Secondary Education, Bikaner Division, pursuant thereto, as noticed hereinbefore, by order dated 4/4/2018 the petitioner was

relieved from Kayam Khani Masjid/Rajiv Nagar School.

It is submitted by learned counsel for the petitioner that the order dated 31/3/2018 issued by the District Education Officer, Primary Education,

Bikaner is without jurisdiction inasmuch as the set up of the petitioner had been changed from Primary to Secondary under Rule 6D of the Rules of

1971 and, therefore, the order impugned being bad in law deserves to be quashed and set aside.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

From the order dated 8/6/2016 (Annex.4) it is apparent that pursuant to passing of the order under Rule 6D, the petitioner was accorded posting from

Government Upper Primary School, Kayam Khani Masjid to Government Adarsh Senior Secondary School, Baladesar, however, as claimed by the

petitioner, the petitioner continued to serve under the Government Upper Primary School, Kayam Khani Masjid, though at Rajiv Nagar under the

working arrangement, whereafter, apparently the order dated 31/3/2018 has been issued only requiring relieving of the petitioner for joining at

Government Senior Secondary School, Garbdesar.

As apparently, despite change of set up on account of circumstances, the petitioner was discharging his duties with the Primary School, the order for

relieving the petitioner for joining at Senior Secondary School was passed by the District Education Officer, Primary Education, Bikaner and it cannot

be said that the said authority under which the petitioner was admittedly working

when the order dated 31/3/2018 was passed could not have directed relieving of the petitioner from the place of present posting for joining at another place under the changed set up.

Though, it is not apparent from the material available on record, as the said order dated 31/3/2018 has been endorsed to the Deputy Director,

Secondary Education, it appears that the petitioner has been relieved as per the directions of Deputy Director, Secondary Education and, therefore, the

plea sought to be raised regarding passing of the order dated 31/3/2018 being without jurisdiction has no basis.

Further, the plea now sought to be raised by the petitioner is essentially an attempt to cling on to the place where he has been working for last over 18

years as the petitioner had joined at Kayam Khani Masjid School on 5/8/2000 (Annex.2), which attempt on the part of the petitioner by raising

frivolous issues by way of present writ petition cannot be countenanced.

In view of the above discussion, there is no substance in the writ petition and the same is, therefore, dismissed.