

Mukesh Kumar Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Nov-19-2012

Appellant : Mukesh Kumar Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sanjay Gupta

Judgement :

Mukesh Kumar Singh versus State of M.P.& ORS.Writ Petition No.15668

19. 11.2012: Shri Sanjay Gupta, learned counsel for the petitioner.

Shri S.S.Bisen, learned Government Advocate for respondent/State and some of the interveners. Shri Praveen Verma, learned counsel for one of the interveners. Shri Hulasi Ram lavne.

Petitioner has filed this writ petition challenging order Annexure P-4 dated 1.9.2012 by which charge of Superintendent of Boys Hostel Deori has been taken away from him.

Inter alia contending that petitioner is granted the charge which is taken away illegally, this writ petition has been filed.

From the objections raised by interveners Shri Hulasi Ram lavne it is seen that Shri Hulasi Ram lavne is Upper Division Teacher and charge of Superintendent of

Hostel has been granted to him as he is the senior most U.D.T. and petitioner is posted substantively on his original post of Assistant Teacher in the same Balak Aashram at Deori.

It is the case of petitioner that he is not posted anywhere, the charge of Hostel Superintendent is taken away and no subsequent order has been passed.

Shri Praveen Verma, learned counsel refuted the aforesaid and by referring to order Annexure P-3 dated 25.8.2012 points out that petitioner was initially transferred on the post of Assistant Teacher to Hatua in Lakhnadaun, but on representation being filed the order is cancelled and petitioner is posted to Balak Aashram Deori, where subsequently he is holding the post of Assistant Teacher and the additional charge of Superintendent is only granted to him temporarily.

2 Considering the fact that the charge of Hostel Superintendent is not granted to petitioner in a substantive manner and there is no order subsequently appointing the petitioner as Hostel Superintendent, the order is only to give him charge of the said post, no legal right accrues to the petitioner to seek the additional charge.

It is clear that petitioner is substantively holding the post of Assistant Teacher and has been directed to discharge the duties of Assistant Teacher, if no orders have been passed posting the petitioner the competent authority shall pass such an order within a period of one week from the date of receipt of certified copy of this order.

Accordingly, considering the fact that petitioner is only granted additional charge on the post of Hostel Superintendent and not this charge is given to a senior person, I see no reason to interfere into the matter.

The stay granted on earlier date stands vacated.

With the aforesaid observations the petition is disposed of.

Certified copy as per rules.

(Rajendra Menon) Judge ss/-