

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2301 of 2015

- Kripashankar Prasad S/o Shri Ram Prasad, Aged About 50 years, Resident of Quarter No. T - 36/2, M. I.T.I. Colony, Koni, Police Station Koni, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Technical Education, Man Power Employment, Science and Praudhyogiki Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
- The Principal, Government Industrial Training Institute, Koni, District Bilaspur Chhattisgarh
- Banshilal Kashyap, Posted as Training Officer (Hindi Language), Industrial Training Institute, Bastar, District Bastar Chhattisgarh
- Transfer Examination Committee, Through the Chairman, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh

---- Respondents

For Petitioner
For Respondent/State

Mr. Prateek Sharma, Advocate
Mr. P. Bhaduri, Government Advocate

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

30/06/2015

Heard finally with the consent of learned counsel for the parties.

2. This is the third writ petition challenging the petitioner's transfer from I.T.I. Koni, District Bilaspur to I.T.I. Bastar as reliever of respondent No.3, who has been transferred from I.T.I. Bastar to I.T.I. (Women), Koni, District Bilaspur.

3. The petitioner's first writ petition was disposed of permitting him to move a representation and at the same time, this Court directed that status quo with regard to petitioner's posting shall be maintained for a period of four weeks. His representation was rejected by the State Government on 04.08.2014. However, since the representation was not considered by the Committee of Senior Secretaries constituted vide para 6 of the transfer policy, the petitioner again preferred writ petition i.e. W.P.(S) No.4162/2014, wherein, this Court again directed that the petitioner's representation be considered by Committee of Senior Secretaries and for a period of four weeks, he shall be allowed to continue at his present place of posting. By communication dated 05.06.2015, it has been informed to the petitioner that the Committee of Senior Secretaries has recommended for rejection of his representation.

4. Mr. Prateek Sharma, learned counsel for the petitioner, would submit that the petitioner had moved an application seeking transfer to a vacant post in I.T.I., Ambikapur or Women's I.T.I., Ambikapur or I.T.I., Rajpur, District Sarguja on 09.06.2014 and previously, on 06.05.2013. However, despite the said request instead of transferring the petitioner to any of these three places, the petitioner is sent as a reliever of respondent No.3, who is brought to Women's I.T.I., Koni, District Bilaspur. He would thus submit that the State Government has passed the impugned transfer order without application of mind. He would submit that the petitioner's request for transfer was also for a scheduled area, therefore, instead of sending the petitioner to a far away place in the scheduled area, he could have been posted in the scheduled area for which he has moved an application, wherein, the posts are lying vacant since long back.

5. Considering the fact that the petitioner is posted at the present place of posting for last about 20 years and the law laid down by the Supreme Court

in *E.P. Royappa v. State of Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & others*⁶, this Court does not find any ground to interfere in this petition.

6. Accordingly, the writ petition is dismissed. However, it will be open for the respondents to consider the petitioner's request for transfer to a scheduled area, for which, he has already moved representations.

Sd/-

Judge
(Prashant Kumar Mishra)

Shyna

1 1974 (4) SCC 3
2 (1991) Supp 2 SCC 659
3 (1995) 3 SCC 270
4 (2007) 8 SCC 150
5 (2007) 8 SCC 212
6 (2009) 8 SCC 337