

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 867 of 2015

Smt. Jyoti Yadav W/o Shri Parmanand
Yadav Aged About 26 years Working As
Assistant Teacher Panchayat, Primary
School Nadidipa, Block Jashpur, District
Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary,
Panchayat Welfare Department,
Mahanadi Bhawan, Mantralaya, Naya
Raipur, District Raipur Chhattisgarh
2. Collector, Jashpur, District Jashpur,
Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat,
Jashpur, District Jashpur, Chhattisgarh

---- Respondents

For Petitioner:	Shri CJK. Rao, Advocate.
For Respondents/State:	Shri Shashank Thakur, Govt. Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J

Order On Board

18/03/2015

The petitioner through the present petition challenges the impugned order dated 20.11.14 (Annexure P-1) whereby the services of the petitioner as Asstt. Teacher, Panchayat has been transferred from Primary School, Nadidipa, Block Jashpur to Primary School, Rangapat, Block Bagicha.

2. Counsel for the petitioner submits that the petitioner had immediately made a representation against the order of transfer highlighting the fact that she is on maternity leave and that her consent has never been sought before the impugned order has been passed.

3. However, a perusal of the record shows that it is not that the petitioner alone has been transferred by the impugned order but about 136 persons have been transferred and the petitioner happens to be one of the Asstt. Teachers involved in the said order of transfer.

4. Considering the settled position of law regarding the scope of interference by a writ court in transfer matters, this Court is reluctant to

entertain the writ petition. However, since the petitioner has already approached the authorities immediately after the order of transfer having been passed and secondly after the order Annexure P-2 of relieving having been passed by the authorities, let the State Government take a decision on the representation made by the petitioner taking into consideration her health ground.

5. To this, State counsel does not have any objection.

6. With the aforesaid observation, the instant Writ Petition is allowed and disposed of. It is expected that the respondent/authorities shall objectively consider the representation of the petitioner particularly keeping in view the health condition of the petitioner.

J U D G E

Priya