

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3379 of 2015

- Manoj Sharma S/o Late Shri R. K. Sharma, Aged About 50 Years Assistant Grade- Ill, Presently Posted At the Office Of Block Education Officer, Takhatpur, Distt. Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Collector, Bilaspur, (Chhattisgarh)
3. District Education Officer, Bilaspur, (Chhattisgarh)
4. Block Education Officer, Takhatpur, Distt. Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	Mr. Ashwani Shukla, Advocate
For Respondent/State	Mr. Sangharsh Pandey, Dy. G.A.

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

Order On Board

17/09/2015

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

(2) The petitioner is assailing the impugned order passed by the District Education Officer, Bilaspur, transferring the petitioner from the office of Block Education Officer, Takhatpur to Government Higher Secondary School, Pousari Block Bilha.

(3) Learned counsel for the petitioner would submit that in similar writ petitions i.e. W.P.(S) Nos.2931/2015, 3079/2015 & 3222/2015,

decided on 04.09.2015, this Court has referred to the affidavit filed by the Secretary, School Education Department stating that the District Education Officer has violated the Government's instructions while issuing the transfer orders and on the said basis, the transfer orders have been quashed.

(4) In the present case also, the impugned order has been issued by the District Education Officer, whereas, under the State Government's Circular dated 01.07.2015, the District Education Officer has not been authorised to issue transfer orders.

(5) The matter being similar, the impugned order is quashed at the admission stage itself. However, liberty is reserved in favour of the respondents to pass fresh order in accordance with law, if the administrative exigency so warrants.

(6) Accordingly, the writ petition is allowed to the extent indicated above.

Sd/-

Judge

(Prashant Kumar Mishra)

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