

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1884 of 2016

Surendra Kumar Patel S/o Brijmohan Patel, Aged About 34 Years Assistant Teacher (Panchayat), Govt. Primary School, Nandeli, Janpad Panchayat Pussore, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Secretary, Department Of Panchayat & Rural Development Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
3. The Collector, Raigarh District Raigarh (Chhattisgarh)
4. Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh (Chhattisgarh)
5. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (Chhattisgarh)
6. Chief Executive Officer, Janpad Panchayat, Pussore, District Raigarh (Chhattisgarh)

---- Respondents

Shri Govind Dewangan, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/06/2016

Heard.

1. Challenge is made to the transfer order of the petitioner from Raigarh District to Kabirdham District on the ground that the transfer has been made in violation of the policy of posting husband and wife at the same place as far as possible.
2. Learned counsel for the petitioner submits that representation so far

has not been made by the petitioner.

3. As far as the challenge to the transfer order on the ground that it violates the policy of keeping the husband wife together is concerned, the representation of the petitioner requires consideration. However, it has to be noted that these transfer guidelines normally do not create any right but at the same time if subject to administrative exigency and public interest, it needs consideration at the end of the Transferring Authority. That is what the policy also says.

4. In view of the above circumstances, I am not inclined to keep this matter pending because subject to administrative exigencies, transferring authority should look into the matter and take a decision thereon at the earliest.

In case, the petitioner prefers representation within a period of 10 days from today, the same shall be decided by the competent authority / respondent No.6 within 15 days from the date of receipt of such representation. For a period of three weeks, no coercive steps shall be taken against the petitioner.

5. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
J U D G E