

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2761 OF 2016**

Smt. Menka Patel, W/o Shri Trilochan Kumar Patel aged about 28 years, working as Lecturer Panchayat, Govt. Higher Secondary School, Kaohakuda, Block Pithaura Distt. Mahasamund C.G., R/o Village Kusumjhar, Post Dabhra, P.S. Dabhra, Tahsil Dabhra, Civil & Revenue Distt. Janjgir- Champa (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Department of School Education, Mahanadi Bhawan, New Mantralay, New Raipur Distt. Raipur (C.G.)
2. The Collector, Mahasamund, Distt. Mahasamund (C.G.)
3. Chief Executive Officer, Jila Panchayat Mahasamund, Distt. Mahasamund (C.G.)
4. Chief Executive Officer, Jila Panchayt Raigarh, Distt. Raigarh (C.G.)
5. Shri Trilochan Patel S/o Shri Krishna Kumar Patel, R/o Village Kusumjhar, Post Dabhra, P.S. Dabhra, Tahsil Dabhra, Civil & Revenue Distt. Janjgir-Champa (C.G.)

---Respondents

For Petitioner	:	Mr. Anshul R. Shrivastava, Advocate
For Respondents No. 1 & 2/ State	:	Mr. Dhiraj Wankhede, Govt. Advocate, on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****08/07/2016**

1. Heard on admission.
2. The challenge has been made to the transfer order by which petitioner has been transferred from District Mahasamund to District Raigarh.
3. Learned counsel for the petitioner submits that while transferring the petitioner, though an attempt has been made for posting the petitioner in the same District where her husband has been posted, however, the same

place of posting has not been provided to the petitioner. It is also submitted that at this stage, petitioner is carrying advanced pregnancy and therefore, on this ground also transfer order may be interfered with by this Court.

4. As far as first ground is concerned, I find that the order impugned has been passed only keeping in view that as far as possible, husband and wife have to be posted either in the same place or in nearby station. Certainly, the transfer order posts the petitioner in the District, where her husband is posted. Therefore, on this ground, no interference is called for. As far as other ground is concerned, considering the submission, it would be open for the petitioner to apply for maternity leave in accordance with Rules and for that purpose, proper relaxation may also be provided to the petitioner subject to petitioner submitting her joining at transferred place.

5. The Competent Authority shall duly consider prayer of the petitioner and if she applies for leave, the same shall be immediately considered.

6. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge