

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2912 OF 2016**

Jay Singh Jafri S/o Mahettar Lal Jafri, Aged About 32 Years R/o Village Anda
Post Kirari Tah Malkharoda District Janjgir Champa Chhattigarh Post At P.S.
Charpara Block Kharsia District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat
And Social Welfare, Mahanadi Bhawan Mantralaya, New Raipur District
Raipur Chhattisgarh
2. Chief Executive Officer, Jila Panchayat, Raigarh, District Raigarh
Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Kharsiya, District Raigarh
Chhattisgarh

---Respondents

For Petitioner	: Mr. Ajay Shrivastava, Advocate
For Respondent-State	: Mr. S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****15/07/2016**

Heard on admission.

1. The transfer of the petitioner vide order dated 18.4.2016 passed by respondent No.2 has been challenged on the ground that the petitioner is not surplus employee as per the policy. The Block Education Officer, Kharsiya, vide his memo dated 28.4.2016/9.5.2016 has informed respondent No.2 that if the petitioner is shifted, there will be only one teacher in the school and, therefore, he is not surplus and wrongly transferred.
2. It appears that the information sent by the Block Education Officer is pending before the Chief Executive Officer of Jila Panchayat, which prima facie shows that transfer has been made by wrongly treating the petitioner as

surplus. Respondent No.2 should consider this aspect in the matter of memo dated 28.4.2016/9.5.2016 of the Block Education Officer, Kharsiya. A decision should also be taken within a period of 15 days.

3. Till the matter is decided finally by respondent No.2-Chief Executive Officer in this manner, the petitioner shall not be disturbed/relieved if already not relieved.

4. With the aforesaid observation, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge