

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2984 OF 2016**

Udaybhan Singh S/o Late Vishwanath Singh aged about 53 years R/o presently posted and working as Upper Division Teacher Govt. Middle School Brijrajnagar Block and Police Station Surajpur Civil and Revenue District Surajpur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary Tribal Welfare Department Mahanadi Bhawan Raipur P.S. Naya Raipur Tahsil Raipur Civil and Revenue District Raipur (Chhattisgarh)
2. Commissioner Tribal Welfare Department Raipur P.S. Civil Lines Tahsil Raipur Civil and Revenue District Raipur (Chhattisgarh)
3. Commissioner Surguja Division Surguja Ambikapur Civil and Revenue District Surguja (Chhattisgarh)
4. Collector (Tribal Department) Surajpur P.S. Surajpur Civil and Revenue District Surajpur (Chhattisgarh)
5. Block Education Officer Block Surajpur P.S. Surajpur Civil and Revenue District Surajpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate.
For State/Respondents	:	Shri Sangharsh Pandey, Dy. Govt. Advocate.

Hon'ble Shri Manindra Mohan Shrivastava, J**Order on Board****18/07/2016**

Heard on admission.

1. The petitioner filed this petition aggrieved by the transfer order dated 20.7.2015 and rejection of his representation vide order dated 27.4.2016.
2. Learned counsel for the petitioner submits that challenge to the transfer order and rejection of petitioner's representation is mainly on the ground that the petitioner was promoted to the post of Upper Division Teacher vide order dated 7.10.2008 but by impugned order of transfer, he is treated as Assistant Teacher and posted as such in another primary school. The submission of learned

counsel for the petitioner is that the petitioner is Upper Division Teacher, he could be posted in any vacant post lying in the school where he is presently posted instead of transferring to any primary school. He submits that the Upper Division Teachers are posted only in the middle school or the higher secondary school but not in a primary school. He further submits that petitioner is being treated as Upper Division Teacher and in that capacity, he is paid salary. The petitioner is also submitted income tax return showing him as Upper Division Teacher only.

3. Order dated 27.4.2016, by which, petitioner's representation has been rejected records that though the promotion order was issued but the petitioner did not join on the promotional post and continued in the same school, therefore, he is being treated as Assistant Teacher only. There is no document placed on record to show that the petitioner had joined on the promotional post of Upper Division Teacher at Middle School, Podi. According to the petitioner, he continues to remain posted in Middle school, Brijrajnagar. There is no material to show that the petitioner complied with the order of promotion, joined at Middle School, Podi and thereafter, he was again transferred back to Brijrajnagar against a post of Upper Division Teacher.
4. In absence of there being any pleadings and documents to prove that petitioner had joined on the promotional post of Upper Division Teacher, the authority rejected the petitioner's representation against the transfer order. The order also shows that the petitioner has remained posted on the present place for last five years.
5. In view of the above, there is no merit in the writ petition. It deserves to be and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge