

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3115 of 2016

Dujaram Patel S/o Shri Hemlal, Aged About 36 Years Assistant Teacher, P.S. Chote Jampali, Block Kharsiya, District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Social Welfare, Mahanadi Bhavan, 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	:	Shri Ajay Shrivastava, Advocate
For State	:	Shri S.P. Kale, Dy. A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/07/2016

Heard on admission.

1. The transfer of the petitioner vide order dated 18.04.2016 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 28.04.2016/09.05.2016 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 28.04.2016/09.05.2016 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