

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3637 of 2016**

Yugal Kishore Tiwari S/o Shri Baijnath Tiwari, Aged About 59 Years Posted As Lecturer,
Shaskiya Kanya Shiksha Parisar, Ambagarh Chowki, Rajnandgaon, (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education,
Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. District Education Officer, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Mr. Jitendra Pali, Advocate
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate, on advance copy.

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****11/08/2016**

Heard on admission.

1. The transfer order is under challenge on the ground that petitioner is being transferred to a distant place whereas his wife has remained posted at the present place of posting, thus, in view of the policy of the State Government, as far as possible, husband and wife have to be posted either in the same place or in nearby station subject to administrative exigency. The other ground of challenge is that after his transfer, the school will be left with no teacher and also that the petitioner is going to retire within three years.

2. It is found that the petitioner has remained posted at the present place of posting since 2012, and therefore, he is due for transfer under exigency of service. However, considering that, there is existing Government policy to keep

the husband and wife together and it is for the State to decide whether the petitioner and his wife can be posted at same station or nearby station.

3. It is stated that the petitioner has already filed a representation before the competent authority. It is directed that the competent authority shall consider and decide the representation of the petitioner within a period of four weeks from today to explore the possibility whether the petitioner and his wife can be posted at same station or nearby station.

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

Sd/-

(Manindra Mohan Shrivastava)
Judge