

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4093 of 2016

Dr. Avinash Kumar Lall S/o Late Shri T. N. Lall, Aged About 51 Years R/o 101, Shalinita Adinath Parisar, Ganga Nagar-2, Mangla, Bilaspur, District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, New Raipur (Chhattisgarh).
2. The Principal, Government E. V. P. G. College, Korba, District Korba (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Samishti Saloman, Advocate
For State	:	Shri R.K. Gupta, Dy.A.G.

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

Order On Board

26/08/2016

Heard on admission.

1. The transfer order is under challenge firstly on the ground that the petitioner has remained in the scheduled area since 1996 and is again being transferred to another scheduled area. The other ground is that the petitioner lost his father on 5.8.2016, therefore, on this ground also, the petitioner prays that transfer order may be cancelled.
2. As far second ground is concerned, the petitioner can always apply for leave on the ground of death of his near relative. The first ground of transferring the petitioner from one scheduled area to other scheduled area may require consideration because even though place where the

petitioner is working is a Korba township, technically speaking it is a scheduled area. The State may consider this aspect to shift the petitioner to any other place in the State which may not have been marked as a scheduled area in view of the policy dated 3.6.2015.

3. In case the petitioner prefers representation within a period of 10 days, the decision with regard to modification of the petitioner's transfer order may be considered by the State in accordance with its own policy, within a period of 4 weeks.
4. With the aforesaid observation and direction, the petition is finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge