

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4565 OF 2016**

Pradeep Kumar Shrivastava S/o Koushal Prasad Shrivastava, Aged About 55 Years R/o Infront Of Moti Lal Petrol Pump, Behind Deep Hotel Ring Road, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. Under Secretary, State Of Chhattisgarh, School Education Department, Mantralaya Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
3. The Director, Directorate Of Public Instruction Chhattisgarh, Indiravati Bhawan, New Raipur, District Raipur Chhattisgarh
4. The Collector, Janjgir, District Janjgir Champa Chhattisgarh
5. District Education Officer, Janjgir, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kamlesh Kumar Pandey, Advocate
For Respondent-State	:	Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****07/09/2016**

Heard.

1. The transfer order dated 30/07/2016 is under challenge mainly on the ground that by impugned order the petitioner is being transferred to Govt. Higher Secondary School Sarda, Block Malkharoda, District Janjgir Champa which is about 90 kms. away from the place of posting of the petitioner's wife, who is posted as Principal at Govt. Higher Secondary School Parsada (Tifra) Block Bilha, District Bilaspur.

2. It is submitted that presently petitioner is posted as Principal at Govt. High School Nariyara, Block Akaltara, District Janjgir-Champa, which is about 40 kms. away from the place of posting of petitioner's wife. Therefore, the submission that while transferring the petitioner, Government policy is to keep husband and wife at the same place or nearby station as far as possible subject to administrative exigency has not been kept in view.

3. It is found that the petitioner and his wife are posted at different places. The petitioner has been transferred after a period of one year, may be due to some exigency of service. However, considering that the Government policy is to keep husband and wife at the same place or nearby station, which is subject to administrative exigency, the respondents may consider the posting of the petitioner and his wife according to the Government policy either at the same place or nearby station anywhere in the State.

4. The petitioner has already made representation against the transfer order to the Additional Chief Secretary, Tribal Welfare Department. The representation of the petitioner is still pending consideration. Therefore, petition is disposed off with a direction to the authority to take appropriate decision on petitioner's pending representation in accordance with law as early as possible preferably within a period of six weeks from today.

Sd/-
(Manindra Mohan Shrivastava)
Judge