

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4649 of 2016**

Shiv Prasad Ravi S/o Teju Ram, Aged About 49 Years Head
Master Govt. Middle School, Daldhowa, Development, Block
Balrampur Ramanujgank Chhattisgarh, Civil District Surguja,
Revenue District Balrampur Ramanujanj Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, School
Education Department, Mahanadi Bhawan Naya Raipur, District
Raipur Chhattisgarh
2. Director, Education Department Indravati Bhawan, Naya Raipur,
District Raipur Chhattisgarh
3. District Education Officer, Balrampur, Ramanujanj Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A.K. Prasad, Advocate
For State	:	Mr. R.K. Gupta, Dy. A.G., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/09/2016**

Heard on admission.

1. The petitioner has challenged the transfer order on the ground that the petitioner has remained posted at Daldhowa, which is nearer to Headquarter Balrampur. The place where the petitioner is being transferred is about 100 km. away from the District Headquarter Balrampur. The second ground is that the petitioner is an officer bearer, the Secretary of Chhattisgarh Scheduled Caste and Scheduled Tribes Officers and Employees Association erected on 27.07.2014, therefore, he is entitled to continue till the end of his tenure.
2. The policy dated 11.06.2016 provides that only eligible office bearer would be entitled to exemption from transfer. The petitioner has not placed

on record any document to show how he is eligible for exemption particularly when there is no case of the petitioner that he has remained posted for a short time. This Court has already held that the benefit of exemption from transfer would be available only to the President, Secretary of the District and State Level of recognized Union provided that he has not completed three years of posting at a given place. Therefore, on this ground, no relief can be granted. The other ground is that the petitioner's son is suffering from sickle cell disease and requires treatment. The petitioner is presently posted at Daldhowa which is said to be about 30 k.m. away from District Headquarter Balrampur. The place where the petitioner is being transferred which is about 100 km. away, therefore, he may have some difficulty but it cannot be said only on this ground that the petitioner should not be transferred when he has completed normal tenure of service.

3. The first ground taken by the petitioner is that he has remained posted in the scheduled area for the last more than 25 years, however, requires consideration as per clause 2.1 of transfer policy dated 03.06.2015 in the matter of transfer to core scheduled area. Therefore, on this aspect, the respondents are required to be directed to consider petitioner's representation for posting him outside the scheduled area/ core scheduled area.

4. It is found that the order has been passed by the State Government but representation has not been made to the State Government. Let the representation be made to the Transferring Authority within a period of three weeks from today and the same shall be considered and decided within a period of four weeks from the date of submission of representation.

5. The petition is accordingly disposed off.

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