

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5303 of 2016**

- C. R. Miri S/o Shri M. R. Miri, Aged About 57 Years Occupation Principal, Government Boys Higher Secondary School, Batauli, Ambikapur, District Surguja (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Education Department, Mahanadi Bhawan, New Mantralay, Raipur (Chhattisgarh)
2. The Directorate Of Public Instruction, School Education Department, Indrawati Bhawan, Raipur (Chhattisgarh)
3. The District Education Officer, Ambikapur Distt. Surguja (Chhattisgarh)
4. The Collector, Ambikapur Distt. Surguja (Chhattisgarh)

---- Respondents

 For Petitioner : Mr. Sunil Tripathi, Advocate
 For State : Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/10/2016**

Heard.

1. The impugned transfer order dated 30.07.2016 has been challenged on the ground that though the petitioner remain posted in scheduled area continuously for about 24 years, this time again the petitioner has been transferred to another scheduled area without considering his case for transfer to any other station outside the scheduled area, which is in violation of clause 2.1 of the circular dated 03.06.2015.
2. However, the ground that the petitioner has remained posted in the scheduled area for the last 24 years, therefore, he should be considered for posting outside the scheduled area, requires consideration, because the petitioner has remained posted in the scheduled area for last 24 years.
3. The petitioner has also preferred representation. That representation be considered and decided by the transferring authority / Committee

within a period of four weeks from the date of receipt of a copy of this order. For a period of four weeks, coercive steps shall not be taken against the petitioner to comply with the order. However, posting of the petitioner in a non-scheduled area shall be considered by the competent authority positively within a period of four weeks and order shall be passed. Protective umbrella shall be available only if this order is placed before the transferring authority within 10 days from today.

4. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge