

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5544 of 2016

Bal Krishna Patel S/o Shri Tara Chand Patel, Aged About 52 Years
Presently Posted As Lecturer Mathematic Cum N.C.C. Officer Govt.
Higher Secondary School Kotmi, Block Dhabhra, District Janjgir Champa
Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan, New Raipur Chhattisgarh
2. District Education Officer, Education District Sakti, District Janjgir Champa Chhattisgarh
3. Principal, Government Higher Secondary School Kotmi, Block Dhabhra, District Janjgir Champa Chhattisgarh
4. Director, N.C.C. State Cell Chhattisgarh, Group Head Quarter Dunga, Colony, Raipur, Chhattisgarh
5. Commanding Officer, 25 Chhattisgarh Battalion N.C.C. Chakradhar Nagar Raigarh, District Raigarh Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Ajay Barik, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy .Govt. Advocate

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

Order On Board

06/10/2016

Heard on admission.

1. The transfer order is under challenge on the ground that the petitioner is imparting training to NCC cadets as a trained officer and if the petitioner is transferred without there being any substitute by NCC trained teacher in the institution, the institution would suffer immense prejudice. He submits that time and again, the NCC officials have also written to the State authority to ensure that transfer of the teacher who are providing NCC training, may affect the NCC training in the institution.

2. It is found that in the place of the petitioner, no other trained teacher in NCC has been posted. Considering the material on record, it would be proper to direct the State to examine and ensure that some kind of arrangement may be made in the school for imparting NCC training. It is found that this petitioner has remained posted at one place since 1993, therefore, he is also required to be shifted in the exigency of service. The matter may be examined by the State to explore the possibility to post another teacher in a manner that NCC training are not affected.
3. The petition is accordingly finally disposed off with the above observation and a direction to the concerned authority to consider the matter with this view, within a period of 4 weeks.
4. For a period of 4 weeks, coercive steps shall not be taken against the petitioner.

Sd/-
(Manindra Mohan Shrivastava)
Judge