

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 6055 of 2016**

- R.K. Pandey S/o Umarao Pandey, Aged About 49 Years Presently Posted And Working As Assistant Professor Hindi Government Arvind College Kirandul, Distirct Dantewada Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Thorugh The Secretary, Department Of Higher Educaiton Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, Distirct Raipur Chhattisgarh
2. Secretary, Departmet Of General Administration, Mahanadi Mantralaya, Naya Raipur Post Office & Police Staiton Naya Raipur, Distirct Raipur Chhattisgarh
3. Deputy Secretary, Department Of Higher Educaiton Mahanadi Mantralaya, Naya Raipur Post Office & Police Staiton Naya Raipur, Distirct Raipur Chhattisgarh
4. Commissioner, Department Of Higher Educaiton Indrawati Bhawan, Naya Raipur Post Office & Police Staiton Naya Raipur, Distirct Raipur Chhattisgarh
5. Abhishek Patel, Assistant Projessor (Hindi) Government Saheed Kaushal Yadav, College, Gunderdehi, Distirct Balod Chhattisgarh

---- Respondents

For Petitioner	:	Mr. B.D. Guru, Advocate
For State	:	Mr. B. Gopa Kumar, Dy. Advocate General on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/11/2016**

Heard.

1. The petitioner has challenged the impugned order dated 05.10.2016, by which the representation against the transfer order has been rejected.
2. Learned counsel for the petitioner submits that while rejecting his representation, the policy of keeping husband wife together, either at same place or nearby station, as far as possible and subject to administrative exigency, has not been kept in view.
3. A perusal of the order shows that the petitioner has been transferred as he remained posted at the present place of posting since long. It

has also been stated that as more than one teacher in subject Hindi is not required, therefore, the petitioner has been transferred in administrative exigency. The petitioner has also carried out the transfer order. An employee cannot claim as of right to be posted at the same place or nearby station where his wife is posted. It is subject to administrative exigency that may be considered by the respondents to explore the possibility of keeping husband and wife together, at the same place or nearby station. Therefore, on these aspects the respondents may consider the aspect of shifting the petitioner in the next transfer season.

4. With the aforesaid observations / directions, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge