

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6492 of 2016

- Vinod Kumar Mahobey S/o Shri B.L. Mahobey, Aged About 50 Years Working As Training Superintendant, Govt. Industrial Training Institute I.T.I. Khamhariya, Tahsil Masturi, Distirct Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough The Secretary, Skill Development, Technical Education And Employment Department, Mantralaya Mahandi Bhawan, New Raipur Dsistirct Raipur Chhattisgarh
2. Commissioner Cum Secretary, Directorate Employment And Training 1st Floor, Block 4, Indrawati Bhawan, New Raipur, Distirct Raipur Chhattisgarh
3. Joint Secretary, Industrial Training Institutes, Regional Office Room No 2, 3 & 4, 3rd Floor, New Composite Building, Bilaspur Chhattisgarh
4. Joint Director, Industrial Training Institute, Regional Office Jagdalpur, Distirct Bastar Chhattisgarh

---- Respondents

For Petitioner : Mr. Manish Nigam, Advocate
For State : Mr. R.K. Gupta, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/12/2016

Heard.

1. The transfer order is challenged on the ground that the petitioner is being transferred and posted in the place of Principal, whereas, substantially he is holding a lower post of Training Superintendent. He submits that in view of the judgment of Supreme Court in the case of **V. Jagannadha Rao and Others vs. State of A.P. and Others (2001) 10 SCC 401**, the petitioner could not be posted against the higher post.
2. Learned State counsel upon instruction submits that in fact, the place where the petitioner is being transferred, there are more than one vacant post of Training Superintendent, against which the

petitioner would be accommodated. However, in administrative exigency, for the time being as the Principal is going to be transferred, the charge of the post of Principal would also to be looking after, the work of Principal as a temporary arrangement, till the regular incumbent of the Principal is posted.

3. In view of the statement made by learned State counsel, I do not find any ground to interfere with the impugned transfer order. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra