

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6940 of 2016**

Jagat Ram Yadav, S/o Late Shri Gangaram Yadav, aged about 57 years, R/o Village and Post-Sankara (Jonk), Block Pithora, Distt. Mahasamund (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Department of School Education, Mahanadi Bhawan, Post Office Mantralaya, P.S. Rakhi, Naya-Raipur, District Raipur (C.G.) Pin 492002
2. The Director, Department of Public Instructions, Indravati Bhawan, Post Office Mantralaya, P.S. Rakhi, Naya-Raipur, District-Raipur (C.G.), Pin 492002
3. The Collector, Mahasamund, Collectorate Building, Distt. Mahasamund (C.G.)
4. The District Education Officer, District Mahasamund (C.G.)
5. The Principal, Govt. Higher Secondary School Sankra (Jonk), Distt. Mahasamund (C.G.)

---- Respondents

For Petitioner : Mr. Vipin Tiwari, Advocate.
 For Respondents/State : Mr. Dhiraj Wankhede, Govt. Advocate
 on advance copy.

Hon'ble Shri Justice Manindra M. Shrivastava**Order On Board****21/12/2016**

Heard on admission.

(1) The ground raised in this petition to challenge the transfer order dated 30.07.2016 is that the petitioner had not applied for transfer on his own request ;and the reason assigned for not filing the petition within the reasonable time is that the petitioner was

not relieved from Govt. Higher Secondary School, Sankra, Block Pithora, Distt. Mahasamund (C.G.) and the Collector, District Mahasamund has also passed order dated 2.8.2016 directing that petitioner should not be relieved for other District till his reliever joins the post and when all of a sudden on 10.12.2016 respondent No. 5 has passed order relieving the petitioner from the present place of posting then the petitioner has challenged his *ex parte* relieving order.

(2) The reason assigned by the petitioner for not filing the petition is not sufficient as the Collector has only stated in his order that petitioner should not be relieved for other District till his relievers will not join the post, and there is no such order by the Collector with regard to petitioner's relieving and, therefore, the petitioner ought to have approached before the Court within time and, thus, I am not inclined to entertain this petition. However, the petitioner is at liberty to file representation before the State Government informing that he had not applied for transfer and in turn, the State Government shall decide the same in accordance with law expeditiously preferably within a period of four weeks from the date of receipt of copy of this order.

(3) With the aforesaid observations, the writ petition stands finally disposed off.

Sd/-

(Manindra M. Shrivastava)
Judge

D/-

