

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No.2014 of 2015

Rukmani Jatwar, aged about 33 years, Wo. Shri Govind Jatwar, R/o Auxiliary Nurse Midwifery (ANM), Sub Health Center, Kudmura Tahsil, Civil & Revenue District Korba (CG)

-----Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Health and Family Welfare Development, Secretariat, Mahanadi Bhawan, Naya Raipur, P.S. & Post Rakhi District Raipur (CG) PIN 492002
2. The Collector & District Magistrate, Korba, District Korba (CG)
3. The Chief Medical & Health Officer, Korba, District Korba (CG)
4. Block Medical Officer, Block Development, Korba, District Korba (CG)

-----Respondents

For Petitioner	:	Mr.Y.C. Sharma, Advocate
For Respondents	:	Mr.Dhiraj K. Wankhede, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/01/2016

1. Earlier, the petitioner had challenged his transfer order dated 18.2.2015 in duly constituted Writ Petition (s) No.736 of 2015 in which by order dated 10.3.2015 this Court has directed the competent authority to consider the representation of the petitioner in accordance with law and take a decision within a period of four weeks.

2. The petitioner made a representation, which has been rejected by the Collector, Korba on 5.5.2015 holding that there is no ground to interfere with the order of transfer, against which, this writ petition has been filed stating inter-alia that the Collector has passed non-speaking and unreasoned order.
3. A bare perusal of the order would show that there is clear non-application of mind of the Collector and the impugned order simply states that upon consideration no sufficient ground is available and representation came to be rejected.
4. This Court in earlier Writ Petition (S) No.736 of 2015 has clearly directed to consider the grievance of the petitioner. Order of the Collector must reflect application of mind including that grievance of the petitioner raised before the said authority has been considered in accordance with law.
5. In view of above, the matter is remitted to the Collector, Korba for considering the case of the petitioner afresh in accordance with law within a period of 45 days from today. However, in between the aforesaid period, no coercive steps shall be taken against the petitioner.
6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-