

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3787 of 2016

Shyam Lal Mahant S/o Late Ganesh Ram, Aged About 54 Years R/o Mahamaya Chauk, Ambikapur, District Surguja Chhattisgarh Presently Posted As Principal, Higher Secondary School Gumgara, Block Lakhanpur, District Surguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, D K S Bhawan, Raipur (C.G.)
2. Collector, Surguja (Ambikapur), District- Surguja (Chhattisgarh)
3. District Education Officer, Ambikapur, District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Shakti Raj Sinha, Advocate
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. G.A., on advance copy

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

Order On Board

16/08/2016

Heard on admission.

1. The transfer order is under challenge on two grounds. Firstly, it is submitted that by the impugned order, the petitioner and another principal both have been posted in the same school namely Government Higher Secondary School Sewari Block Rajpur. Therefore, the transfer order is bad in law. The other ground is that wife of the petitioner is suffering from certain disease which requires proper treatment at Ambikapur, which is about 20 km away from the present place of posting and where the petitioner is being transferred, does not have proper medical facility to treat the petitioner's wife suffering from disease of sickle cell.

2. As far as the first ground is concerned, prima facie it appears that the petitioner and another principal both have been posted in the same school. The State has to be examine and look into the matter and pass appropriate modified order as to who is to be posted in the Government Higher Secondary School Sewari Block Rajpur. As far as medical ground is concerned, it is for the concerned authority to examine on the basis of assessment of availability of medical facility and the nature of ailment. This is a ground relating to personal difficulty, therefore, it can be best examined by the Transferring Authority.

3. The petitioner has not preferred any representation. Looking to the consideration that at the same place, two officers have been posted, the State should pass appropriate order within a period of four weeks and if the petitioner prefers representation within ten days from today on personal ground, the same may also be taken into consideration while deciding the petitioner should be posted or the officer should be posted in Government Higher Secondary School Sewari, Block Rajpur. If no one has been posted at the place of the petitioner, coercive steps should not be taken against the petitioner to compel into be joined at Government Higher Secondary School Sewari, Block Rajpur for a period of four weeks.

4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge