

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.3850 of 2016**

- M. Ali S/o Shri S.A. Ali, Aged About 55 Years Occupation Projessor Sociology Government Kaktiya Post Graduate College, Dharampura, Jagdalpur, District Bastar Chahttisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh
2. The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh
3. The Commissioner, Higher Education Sanchalnalay, Science College Campus, Raipur Chhattisgarh
4. Murlidhar Swarnkar, Assistant Professor, Sociology, Government Degree College Seepat, District Bilaspur Chhattisgarh
5. Smt. Abha Tripathi, Assistant Professor, Sociology, Government Degree College, Mungeli, District Mungeli Chhattisgarh

---- Respondents

For Petitioner	:	Shri Avinash K. Mishra, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/08/2016**

Heard.

2. The transfer order is under challenge on the ground that even though, the petitioner has remained posted in the scheduled area ever since his initial appointment, he is never being posted in the non-scheduled area. By the impugned order, the petitioner has again been transferred to core scheduled area i.e. from Jagdalpur to Bhairamgarh, District Bijapur. It is stated that the officers other Assistant Professor (Sociology), who have remained posted at Raipur, Raigarh, Korba and Mungeli, they

all have been adjusted from one non-scheduled area to other non-scheduled area, most of which, are on their request.

3. Prima facie, it appears that the petitioner has remained posted in the tribal area since 1982. Examination of the impugned order also shows that large number of officers have been shifted from non-scheduled area to another non-scheduled area on their own request, but case of the petitioner has not been considered by the respondents in terms of transfer policy dated 03-06-2015.

4. Case of the petitioner requires serious consideration for being posted outside the scheduled area, because large number of officers working in the non-scheduled area, have been again transferred to another non-scheduled area and the petitioner has remained posted in scheduled area since 1982.

5. The matter shall be examined by the respondent No.1 within a period of six weeks. For a period of six weeks, the petitioner shall be allowed to continue at the present place of posting till suitable order of posting to a non-scheduled area is passed.

6. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge