

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4501 of 2016**

Parmeshwar Edpache S/o Late Shivram, Aged About 45 Years Principal Class-2,
Industrial Training Institute Dongargarh, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Skill Development, Technical Education & Employment, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
3. Commissioner, Directorate Of Employment And Training Training Section Indravati Bhawan, Block No 4, First Floor New Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Uttam Pandey, Advocate
For Respondent-State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****06/09/2016**

Heard.

1. The transfer order is under challenge on the ground that contrary to the guidelines with regard to providing manpower norms based on number of seats available in the Industrial Training Institute (for short "ITI"), the petitioner has been transferred. The petitioner is holding post of Principal, Junior Grade and according to the manpower norms, Principals are to be posted only in those ITI where there are 200 or above seats. The institution where the petitioner has been posted as on the date, is having more than 200 seats. However, vide impugned order, the petitioner has been transferred to an ITI, Ramanujganj

where there are hardly 20 seats available, therefore, the impugned order is contrary to manpower norms laid down by the respondents vide circular Annexure P-5.

2. Learned counsel for the petitioner submits that petitioner has already made a representation that he may be transferred to any other ITI according to the manpower norms (Annexure P-5) in the State.

3. Considering that, the petitioner has remained posted at the present place since 2014, that means, he has completed more than two years of posting and according to the present transfer policy, he is due for transfer. The terms and conditions of the transfer policy is not under challenge. In absence of any ground of illegality, malafide and incompetency, I am not inclined to interfere with the transfer order.

4. Moreover, it is not a case of serious hardship to invoke jurisdiction under Article 226 of the Constitution of India. However, the petitioner has already made a representation, the same shall be considered and decided by the competent authority within a period of four weeks from the date of receipt of copy of this order.

5. With the aforesaid observation, the petition stands finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge