

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6313 of 2016

Jalam Singh Bais S/o Late Jageshwar Singh Bais Aged About 55
Years Working As A Head Master, Govt. Middle School, Dohlapara,
Block Keshkal, District Kondagaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh The Secretary, School Education Department
Mahanadi Bhawan, New Mantralaya, New Raipur, Chhattisgarh
2. District Education Officer, Kondagaon, District Kondagaon
(Chhattisgarh).
3. District Education Officer, Kanker, District Kankaer, Chhattisgarh
4. Block Education Officer, Keshkal, District Kondagaon, Chhattisgarh
5. Block Education Officer, Kanker, District Kanker, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate
For State	:	Mr. B. Gop Kumar, Dy. A.G.

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

Order On Board

21/11/2016

Heard on admission.

1. The petitioner's grievance is that even though the petitioner has been transferred vide order dated 10.06.2016 passed by the State Government, he is not being relieved. It is submitted that the petitioner is being transferred from scheduled area to scheduled area. Further reliever of the petitioner has already come and joined and his joining has not been refused.

2. Learned counsel for the petitioner argues also bring to the notice of the Court that the Block Education Officer has already relieved the

petitioner on 07.07.2016 but despite application made before the District Education Officer on 07.07.2016, the District Education Officer has now passed any order rejecting his application for any reason nor the petitioner has been relieved.

3. It is found that the State Government has passed the order of transfer subject to four conditions noted at the bottom of the order. Out of four conditions, fourth condition apparently shows that the petitioner is required to be relieved because he is not being transferred from non-scheduled area to scheduled area but from scheduled area to scheduled area. Conditions No.2 & 3 conjointly read, indicate that relieving is to be done by District Education Officer and in case of transfer, at the option of District Education Officer of other place, posting is to be made on a vacant post. This would arise only when the petitioner is relieved from his earlier place of posting and submits joining before the District Education Officer of the place where he has been transferred. Therefore, the condition No.2 is required to be complied with by District Education Officer, Kanker. As far as condition No.1 is concerned, this is a matter of consideration of District Education Officer of the District where the employee is being transferred and is not a matter of consideration of the District Education Officer of the earlier place of posting.

4. Therefore, there appears to be no reason why the petitioner should not have been relieved by now.

5. Therefore, in these circumstances, it is directed that unless there is a clear order passed in writing within a period of seven days by the District Education Officer, Kondagaon stating the reason for non-relieving of the petitioner, the petitioner shall be treated as having been relieved immediately after expiry of seven days from the date of receipt of copy of this order by the District Education Officer, Kondagaon and the District Education Officer, Kanker shall allow his joining.

6. The petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge