

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1146 of 2016**

Deepak Kumar Rai S/o Lt. Vishweswer Rai, Aged About 42 Years  
Working As Assistant Teacher Panchayat In Panchayat Primary  
School Sindurpara Pichchekatta Block Bhanupratappur District  
North Bastar Kanker Chhattisgarh R/o House No. 6 Nehru Nagar,  
Narayanpur, Block Bhanupratappur, Tahsil Bhanupratappur,  
District North Bastar Kanker Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of  
Rural Development, Mantralaya, Mahandi Bhavan Raipur  
Chhattisgarh
2. The Chief Executive Officer, Janpad Panchayat Bhanupratappur  
District North Bastar Kanker Chhattisgarh
3. The Collector, North Bastar Kanker Chhattisgarh

**---- Respondents**

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|----------------------|---|------------------------------------------|
| For Petitioner       | : | Shri Rakesh Thakur, Advocate             |
| For Respondent-State | : | Shri Chandresh Shrivastava, Panel Lawyer |

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

**Order On Board**

**23/08/2016**

Heard on admission.

1. The transfer order is under challenge on the ground that while transferring the petitioner from Kanker District to Rajnandgaon District, the policy of keeping husband wife together as far as possible and subject to exigency of service, has not been kept in view.
2. Learned counsel for the petitioner submits that the petitioner is a Shiksha Karmi and posted in Kanker District. His wife is also Shiksha

Karmi and posted in the same district. Now, the petitioner has been transferred to Rajnandgaon District. The wife of the petitioner continues to remain posted in Kanker District only, which violates the policy of keeping husband wife together.

3. The policy of keeping husband wife together is to be followed as far as possible and subject to administrative exigency. The petitioner has been shifted to Rajnandgaon District obviously for the reason that the petitioner has remained posted in Kanker District for more than a decade. However while doing so, the respondents should have also explored the possibility whether the petitioner's wife could also be adjusted at or nearby stations where the petitioner has now been sent.

4. The petitioner having completed normal tenure of service, is liable to be transferred and has been transferred. The competent authority shall explore the possibility whether the petitioner could be transferred to a place which is the nearby stations as far as possible or petitioner's wife could be posted at or nearby station where the petitioner is now posted.

5. The petition is accordingly disposed off.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
Judge