

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2715 of 2016

Milap Singh Patel S/o Shri Uchitram Patel, Aged About 31 Years Occupation - Assistant Teacher (Panchayat) At Govt. Primary School Gudu, Block / Janpad Panchayat / Tahsil - Pussour, District - Raigarh (Chhattisgarh) R/o Village And Tahsil - Pussour And District - Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Naya Raipur District Raipur (Chhattisgarh).
2. The Collector Raigarh District - Raigarh (Chhattisgarh)
3. The Chief Executive Officer, Zila Panchayat Raigarh District - Raigarh (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat Mungeli District Mungeli (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat Raigarh District Raigarh (Chhattisgarh)
6. The Block Education Officer Pussour, Tahsil Pussour, District Raigarh (Chhattisgarh)

---- Respondents

Shri Abhishek Saraf, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/07/2016

Heard.

Challenge is made to the transfer order dated 18/04/2016 on the ground that the transfer has been made in violation of the policy of posting husband and wife at the same place as far as possible.

2. Learned counsel for the petitioner submits that representation so far has

not been made by the petitioner.

3. As far as the challenge to the transfer order on the ground that it violates the policy of keeping the husband wife together is concerned, the grievance of the petitioner requires consideration. However, it has to be noted that these transfer guidelines normally do not create any right but at the same time, if subject to administrative exigency and public interest, it needs consideration at the end of the Transferring Authority. That is what the policy also says.

4. In view of the above circumstances, I am not inclined to keep this matter pending because subject to administrative exigencies, transferring authority should look into the matter and take a decision thereon at the earliest. In case, the petitioner prefers representation within a period of 10 days from today, the same shall be decided by the competent authority within two weeks from the date of receipt of such representation. For a period of four weeks, no coercive steps shall be taken against the petitioner.

5. With the aforesaid observation, this petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge