

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3534 of 2016

N. K. Chandra S/o Bharat Lal Chandra, Aged About 53 Years R/o Qtr.
No. A/ S-02, D.P. Choubey Colony Sarkanda, Police Station
Sarkanda, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhavan Mantralaya, New Raipur, Chhattisgarh
2. Joint Secretary, Department Of School Education, Mahanadi Bhavan Mantralaya, New Raipur, Chhattisgarh
3. Collector, Janjgir, District Janjgir-Champa, Chhattisgarh
4. R.P. Aditya, District Education Officer, Surguja, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. KPS Gandhi, Advocate.
For State	:	Mr. B. Gop Kumar, Dy. A.G.
For Respondent No.4	:	Mr. Vinay Pandey, Advocate.

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

Order On Board

17/10/2016

Heard on admission.

1. This petition has been filed by the petitioner challenging correctness and validity of order dated 30.07.2016 by which the petitioner has been transferred from Sakti to Bilaspur. The main ground of attack to the impugned order of transfer is that within the short period of less than one year, the petitioner, who was earlier transferred from Bilaspur to Sakti, has been transferred back to Bilaspur. The State counsel was granted time to file reply.

2. From the reply of the State, it is clear that the petitioner's substantive post is that of Assistant Director. From the return of the State, it is also borne out that as there was vacancy in the office of District Education Officer, Sakti, as an interim arrangement, the petitioner was sent to hold current charge of office. Later on, respondent No.4, who is substantive holder of the post of District Education Officer has been transferred resulting in shifting of the petitioner. The post of District Education Officer is higher in rank than the post of Assistant Director. That means the petitioner was only incharge incumbent in the office of District Education Officer, Sakti. That by itself, constitutes sufficient exigency of administration to transfer the petitioner back to Bilaspur. The transfer policy which provides that ordinarily an officer shall not be shifted unless he has not completed one year of service, as it shows, is always subject to exigency of service. The State has come out with the clear exigency of service resulting in shifting from Sakti to Bilaspur.

3. Therefore, no legal ground is made out to interfere with the transfer order. This Court is not inclined to interfere with the transfer order. The petition is therefore dismissed.

4. On statement made that representation of the petitioner is in the pipeline at proper level of the Government, it is made clear that dismissal of the petition by the High Court shall not come in the way of consideration of the Government in considering the representation of the petitioner.

Sd/-
(Manindra Mohan Shrivastava)
Judge