

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5121 of 2016

Ashok Kumar Gupta S/o Late Rameshwar Prasad Gupta, Aged About 56 Years R/o C/o Balram Gupta, Hatri Bazaar, Gunderdehi, District Balod (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. District Education Officer, Balod District Balod, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Manish Upadhyay, Advocate
For Respondent-State	:	Shri D.R. Minj, Dy. G.A.

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

Order On Board

23/09/2016

Heard on admission.

1. The sole ground of challenge to the transfer order is that the petitioner has been transferred from Gunderdehi to Patan which is about 85 km. away whereas the petitioner's wife has remained posted at Government Higher Secondary School, Sankra, which is hardly 15 km. away. It is submitted that while transferring the petitioner, the policy of the Government to keep husband wife together either at the same station or at nearby stations as far as possible and subject to exigency of service has not been kept in view.
2. Learned counsel for the petitioner submits that he has now been transferred to a place which is about 85 km. away, therefore, the transfer order is liable to be interfered with. Learned counsel for the petitioner

further submits that the petitioner is being transferred from the present place of posting but nobody has been posted in place of the petitioner which shows that there is no administrative exigency. It is also submitted that the petitioner may be adjusted at nearby school at Somni, District Rajnandgaon, which is hardly 3 km. away.

3. On petitioner's own showing, the petitioner has remained posted at the present place for the last more than three years that means the petitioner has completed his normal tenure of posting and has become due for transfer. Therefore, that by itself, without anything more, constitutes administrative exigency of service for transfer. However, taking into consideration that there exists a policy of the Government to keep husband wife together at the same place or at nearby stations as far as possible and subject to exigency of service, the claim of the petitioner requires consideration. Considering that the wife of the petitioner is also a Government servant, the State may explore the possibility of posting petitioner and his wife at any other place or at the place where the petitioner has now been transferred. The other grounds are not matters of consideration for the writ Court because this Court cannot dictate where a Government employee should be posted.
4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge