

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6101 of 2016

Kashi Ram Kishor S/o Late Kirtan Kishor, Aged About 60 Years Occupation Service, Posted As Lecturer At Government Higher Secondary School Sapos, Block Dabhra, District Janjgir Champa (Chhattisgarh) R/o Village Khairakhurd, P. S. & Tahsil Dabhra, Revenue & Civil District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (Chhattisgarh)
2. State Of Chhattisgarh, Through Secretary, Department Of Education, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (Chhattisgarh)
3. Collector, Janjgir Champa, Revenue & Civil District Janjgir Champa (Chhattisgarh)
4. District Education Officer, Janjgir Champa, Revenue & Civil District Janjgir Champa (Chhattisgarh)

---Respondents

For Petitioner	:	Shri Rishi Sahu, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy. A.G.

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

Order On Board

08/12/2016

Heard.

1. Earlier, learned State counsel was directed to seek instruction whether in the school where the petitioner is being transferred, there exists a post of lecturer.
2. Learned State counsel, upon instructions, submits that there is a post of lecturer to allow the petitioner work in Government school at Kavli. The other

ground raised in the petition is that in the place of petitioner, no one has been posted, therefore, the petitioner ought not to be transferred. The transfer order are presumed to have been made on administrative exigency. Merely because in the place of the petitioner, no one has been posted, it cannot be said that there was no exigency in transferring the petitioner from Government school Sapos to Government school Kavli.

3. The transfer order is also challenged on the ground that the petitioner is at the fag end of service and going to retire on 24.06.2018, therefore, he ought not to have been transferred.

4. As per the Government Policy dated 11.06.2016, ordinarily a Government servant is not to be subjected to transfer if he is going to retire within a period of one year. Therefore, this policy is also not applicable to protect the petitioner against transfer.

5. Lastly, it is submitted that the petitioner is suffering from old age diseases. The nature and extent of illness has not been indicated in the petition. The petitioner has only been transferred from one school to the other school in the same block. Therefore, I do not find any serious prejudice to the petitioner so as to warrant interference by the writ Court in transfer order.

6. In the light of the above consideration, no case is made out in the petition. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge