

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4690 of 2016

Ramkumar Sahu S/o Hemcharan Aged About 51 Years Block
Resource Person (BRP), Block Resource Cluster Centre (BRCC)
Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through, The Secretary, Development Of Education Mahanadi Bhavan, Mantralaya, New Raipur District-Raipur, Chhattisgarh.
2. Collector-Cum-District Mission Director, Rajeev Gandhi Shiksha Mission (Sarva Shiksha Abhiyan) Baloda Bazar-Bhatapara, Chhattisgarh.
3. District Education Officer, Baloda, Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate.
For State	:	Mr. S.P. Kale, Dy. A.G., on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2016

Heard on admission.

1. The transfer order dated 30.07.2016 is under challenge on the ground that the order has been passed on his assumption that the petitioner is posted as Head Master in the School whereas in February, 2016, itself, the petitioner upon selection was appointed and posted as Block Resource Person under Rajiv Gandhi Shiksha Mission on deputation. He has not been repatriated to his parent department till date. It is submitted that unless there is an order of repatriation, the transfer order cannot be given effect to.
2. Learned State counsel submits that this aspect shall be examined by the State Government keeping in view the administrative exigency

whether the petitioner be allowed to continue on deputation or repatriated in the parent department.

3. In view of the above, factual position, as long as the petitioner is on deputation, transfer order dated 30.07.2016 cannot be given effect to in respect of the petitioner. The State Government should take a decision in the matter as far as possible preferably within a period of eight weeks. It will be open for the State to either allow the petitioner to continue on deputation or to pass any other order as may be necessary in exigency of service. Till the matter is decided by the State Government, the impugned order in so far as it relates to the petitioner shall not be given effect to.

4. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E