

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4812 of 2016

Smt. Yogeeta Sahu W/o Shri Yageshwar Sahu, Aged About 32 Years Working As Teacher (Panchayat), At Govt. Middle School Sarangpuri, Block, Tahsil And District Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary/ Under Secretary, Panchayat Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector, Dhamtari, District Dhamtari, Chhattisgarh.
3. Chief Executive Officer, District Panchayat Dhamtari, District Dhamtari (Chhattisgarh)
4. District Education Officer, Dhamtari, District Dhamtari, Chhattisgarh.
5. Chief Executive Officer, District Panchayat Dantewada, District Dantewada (Chhattisgarh)
6. Head Master, At Govt. Middle School Sarangpuri, Block, Tahsil And District Dhamtari (Chhattisgarh)

---- Respondents

For Applicant	:	Shri R.S. Patel, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.

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

Order On Board

15/12/2016

Heard.

1. In this writ petition, challenge is made to the order by which the earlier executed transfer order has been cancelled.
2. Despite service of notice, the respondents No. 3 & 5 have not appeared to justify their order.
3. The issue whether an executed transfer order could be cancelled or not has

already been settled by this Court in the cases of *Brajendra Singh Vs. State of Chhattisgarh & Ors.*¹, *Dr. Toshani Lal Todar Vs. State of Chhattisgarh & Ors.*² and *Khubchand Verma Vs. State of Chhattisgarh & Ors.*³ that once the transfer order is executed, the same cannot be cancelled.

4. It appears that no dispute is raised by respondents No. 3 & 5 by filing any reply that the order of transfer was not executed.
5. Therefore, in these circumstances, the impugned order is against the verdict of the Court. Therefore, the impugned order shall not be given effect to by the respondents. The petitioner shall be allowed to continue at the present place of posting.
6. It is made clear that this order shall not come in the way of competent authority in passing fresh order of transfer on such grounds as are permissible under the Law.
7. The writ petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen

1 WPS No.5012/2009, decided on 9.3.2010
2 WPS No.855/2012, decided on 27.2.2012
3 WPS No.1054/2012, decided on 2.3.2012