

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5449 of 2016

Smt. Ritu Parihar W/o Shri Surendra Singh Parihar, Aged About 41 Years Posted As Shikshak Panchayat (English), Govt. Middle School, Malgaon, Block Gariaband, District Gariaband (Chhattisgarh), R/o Near Sai Mandir, Gariaband, District Gariaband, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Secretariat, Mahanadi Bhawan, New Raipur, P.S. And Post Rakhi, District Raipur, (Chhattisgarh)
2. Chief Executive Officer, Jila Panchayat, Gariaband, District Gariaband, (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Gariaband, District Gariaband, (Chhattisgarh)

---- Respondents

Shri Manoj Kumar Dube, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/10/2016

The transfer order is under challenge on the ground that by impugned order, the petitioner has been transferred from Malgaon, Block-Gariaband to Kodekala, Block-Mainpur, which is 35 kms away from the place of posting of her husband. It is submitted that the policy of keeping husband and wife together, as far as possible, subject to administrative exigency, is not kept in view while transferring the petitioner. He further submits that there are as many as 6 posts of Lecturer in English subject in the nearby institutions where the petitioner can be adjusted.

2. It is found that the petitioner has been transferred to a place which is hardly 35 kms. away from the present place of posting. The transfer has been made on administrative exigency. The policy of keeping husband and wife together as far as possible is only subject to administrative exigency and cannot be claimed as of right.

Considering that the place where the petitioner is now being transferred, is hardly 35 kms away from the present place of posting, I do not find it a fit case warranting indulgence by the Writ Court. The petition is accordingly dismissed. The petitioner is at liberty to pursue her representation.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Deepti