

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5537 of 2016

Pradeep Kumar Shrivastava S/o Koushal Prasad Shrivastava, Aged About 55 Years
R/o In Front Of Moti Lal Petroal Pump, Behind Deep Hotel, Ring Road, Bilaspur,
Tahsil & District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary School Education Department
Mahanadi Bhawan New Raipur, P.S. Rakhi, Distirct Raipur Chhattisgarh
2. Under Secretary, State Of Chhattisgarh School Education Department, Mahanadi
Bhawan, New Raipur, P.S. Rakhi, Distirct Raipur Chhattisgarh
3. The Director, Directorate Of Public Instructions Chhattisgarh, Indrawati Bhawan,
New Raipur, District Raipur Chhattisgarh
4. The Collector, District Janjgir Champa Chhattisgarh
5. The District Education Officer, District Janjgir Champa Chhattisgarh
6. The Secretary, Transfer Examination Committee, Mahanadi Bhawan Mantralaya,
New Raipur Chhattisgarh

---- Respondents

Shri Kamlesh Kumar Pandey, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2016

The petitioner has challenged order dated 22/09/2016 by which, petitioner's representation against transfer order has been rejected.

2. Learned counsel for the petitioner submits that after the petition filed by the petitioner, an order was passed by this Court directing consideration of representation, keeping in view the policy of the Government to post the husband and wife at the same station or at nearby station as far as possible, subject to administrative exigency. He submits that the order of the Court was submitted before the authority only on 28/09/2016 but on the basis of representation which

was already made by the petitioner, order was passed on 22/09/2016 itself rejecting petitioner's representation. He submits that as the Court had passed an order directing consideration, the respondents be directed to pass fresh order.

3. It appears that the order passed by this Court was not submitted by the petitioner till 22/09/2016 and the authorities proceeded to reject petitioner's representation which also included the ground that the petitioner's wife is also posted at the nearby station and suffering from some health problem.

4. Considering that the issue of administrative exigency including the issue of posting husband and wife together as far as possible, has already been considered and rejected on administrative exigency, now, no purpose would be served to again direct the respondents to pass fresh order.

5. Therefore, having considered that on the exigency of service, transfer has taken place, no further relief can be granted to the petitioner. The order passed by this Court earlier, having not been submitted by the petitioner prior to 22/09/2016, does not require further action to be taken.

6. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge