

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 52 of 2017

Dr. Smt. Kalawati Patel W/o Shri V. P. Patel, Aged About 53 Years Posted
As Medical Officer, District Hospital Baikunthpur, District Korea,
Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And
Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, Dist. Raipur,
Chhattisgarh.
2. Director, Directorate Of Health Services, Indravati Bhawan, Naya Raipur,
District Raipur (Chhattisgarh)
3. Chief Hospital Superintendent, District Hospital Baikunthpur Distt. Korea
(Chhattisgarh) **---- Respondents**

For Petitioner	:	Shri Amrito Das, Advocate
For Respondent/State	:	Shri B. Gop Kumar, Dy. A.G.

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

Order On Board

05/01/2017

Heard on admission.

The petitioner has assailed her transfer order dated 30.07.2016 on the ground that even though the petitioner has served for more than 21 years in the scheduled area, when the occasion arose to affect transfer during transfer season, the petitioner has been again transferred from one scheduled area to the another scheduled area without considering the petitioner's case for transfer from outside the scheduled area as per circular dated 03.06.2015.

2. I find that the transfer order was issued way back in the month of July, 2016 but the petitioner has chosen to challenge the order after more than 5 months on the ground that till date, she was not relieved and at this stage, if she is relieved, her son, who is to appear in the State Board Examination, scheduled to be held in

the month of February, 2017 will suffer serious prejudice.

3. Learned counsel for the petitioner relies upon order dated 14.12.2016 passed by the Division Bench in **Writ Appeal No.549 of 2016 (Chonhas Toppo Vs. State of Chhattisgarh and others)**, wherein the Division Bench has held that where a person has remained posted in scheduled area for long time, his case is required to be considered for posting outside the scheduled area.

4. Considering that the petitioner has approached this Court after about more than 5 months, I am not inclined to keep this matter pending, however, the representation of the petitioner has already been moved and taking into consideration that the petitioner's son will be appearing in State Board Examination in the month of February, 2017, the respondent -authority is directed to consider the petitioner's representation in the light of order passed by the Division Bench in the case of Chonhas Toppo (supra) and take a decision within a period of six weeks by passing an appropriate order. The State shall also consider the aspect of continuing the petitioner till the examination of the petitioner's son is over, in case, the representation of the petitioner for transferring outside the scheduled area is not accepted on any administrative exigency. The decision shall positively be taken within a period of six weeks. For a period of six weeks, the petitioner shall be allowed to continue at the present place of posting.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge