

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4331 of 2017

Manoj Kumar Upadhyay S/o L.N. Upadhyay, Aged About 49 Years Presently Posted And Working As Head Master, Primary School Kotmara, Block Pussore, District Raigarh, Chhattisgarh Additional Duty Block Project Officer, Seksharbhara Program, Block Pussore, District Raigarh, C.G. .

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, New Raipur Post Office & Police Station Naya Raipur, District Raipur, , Chhattisgarh.
2. Collector, Raigarh, District Raigarh, Chhattisgarh.
3. District Education Officer, Raigarh, District Raigarh, Chhattisgarh.
4. Block Education Officer, Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri D.R. Patel, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

31/08/2017

Heard.

1. The transfer order is under challenge firstly on the ground that it violates the interim protection given to the petitioner vide order dated 22.3.2012 in Writ Appeal No.147 of 2012. The second submission is that transfer of the petitioner is going to adversely affect working in the office of Project Officer in the Block and a certificate to this effect has been issued by the Chief Executive Officer, Janpad Panchayat, Pussore.
2. A perusal of the order dated 22.3.2012 passed in Writ Appeal No.147 of 2012 in which the petitioner is one of the appellants shows that dispute relates to

promotion. The order of status quo protects the petitioner in the manner that status quo in relation to the service of the petitioner shall be maintained. The petitioner's present services as Head Master has not been disturbed. The other ground relating to administrative exigency is matter of consideration by the administrative authority and not by the Court. Considering that the petitioner has already preferred representation, it will be open for the respondents to consider petitioner's representation.

3. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen