

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4397 of 2017

Dr. S.R. Kamlesh S/o Late Neelkanth Kamlesh Aged About 54 Years R/o A-45, Vijaypuram Colony, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Higher Education Ministry, Mahanadi Bhawan, Maya Raipur, P S Rakhi, District Raipur, Chhattisgarh.
2. Under Secretary, Department Of Higher Education, State Of Chhattisgarh, Ministry Mahanadi Bhawan, Naya Raipur, P S Rakhi, District Chhattisgarh.
3. Dr. Madhulika Lal, Posted As Principal Government Pt Madhav Rao Sapre College, Pendra Road, District Bilaspur, Chhattisgarh.
4. Dr. I.R. Sonwani, Posted As Principal Government Pt. Madhav Rao Sapre College, Pendra Road, District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Mateen Siddiqui, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/09/2017

Heard.

1. The transfer order dated 14.08.2017 is under challenge on the following grounds -

(a) that the petitioner is being transferred in place of regular incumbent on administrative exigency, by which itself, cannot be said to be administrative exigency because this appears to be a temporary affair. It is submitted that this kind of arrangement is not permissible.

(b) That the petitioner's wife is presently posted on the post of Social Education Organizer at Masturi which is a place nearby Seepat.

(c) That the petitioner's son met with a road accident in the year 2014 and he still requires constant supervision and treatment.

2. That there are other vacant posts in the nearby area where the petitioner could be posted.
3. The order impugned shows that on account of vacancy caused at Kirandul due to transfer of one Dr.I.R. Sonwani, the petitioner has been sent. The use of word 'प्रशासनिक एवजीदार' without anything more, itself would indicate administrative exigency. The petitioner has not stated anywhere in his petition as to how long time he has remained posted at the present place. Therefore, it has to be presumed that the petitioner has remained posted at the present place since long. The other ground that the petitioner's son had met with an accident in the year 2014 and therefore, if the petitioner is transferred, it will be a case of acute hardship to the petitioner, is a matter for consideration of the administrative authority and not for this Court. The last submission is that the petitioner should be considered for posting in nearby vacant post, is also a matter for consideration of the administrative authority.
4. Having considered, though this Court is not inclined to interfere with the impugned order, none of them are legal in nature. Therefore, the petitioner is at liberty to raise all the grounds before the competent authority. As the representation has already been preferred. Let the representation be considered and decided within four weeks from the date of receipt of copy of this order.
5. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E