

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4391 of 2017

Prashant Kumar Sharma S/o Shri J. P. Sharma Aged About 54 Years R/o
Shanti Nagar, Police Station Civil Line, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department,
Mahanadi Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
2. The Collector, Bilaspur, Chhattisgarh.
3. The District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Palash Tiwari, 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 is being challenged on the following grounds :

(a) That the petitioner has been transferred after 31/07/2017 when the ban has become operative.

(b) That the petitioner's wife is posted in the same place and there is Government's policy to keep the husband and wife together as far as possible in a nearby station or in the same station. Therefore, he may not be posted at far off place.

(c) That the petitioner is 58 years of age and his father is 80 years of age and if he is transferred from Sakti to Mungeli, it may be difficult for him to look after his father.

(d) That the petitioner has been transferred at the option of the District Education Officer, Mungeli, which shows that there is no administrative exigency.

2. The plea that the petitioner's transfer at the option of the District Education Officer is not an administrative exigency, is not acceptable. Once the petitioner has completed normal period of posting at the present place, that by itself, without anything more, constitutes administrative exigency. The petitioner's transfer from one area to other area, prima facie shows administrative exigency and the petitioner is yet to be given a place of posting by the District Education Officer. The other grounds except the ground relating to post husband and wife together, all matters are personal difficulty. It is not a case where the petitioner has been sent to a very far off place. The policy of the Government to keep husband wife together as far as possible at the same station or at nearby station, is always subject to administrative exigency and public interest. The petitioner appears to remain posted at the present place since long time. Therefore, he has become due for transfer.
3. In the result, only on the aspect of the policy of keeping the husband and wife together as far as possible at the same station or at nearby station, the petitioner's case may be considered by the competent authority. As the representation has already been preferred by the petitioner, the same shall be considered and decided within four weeks from the date of receipt of copy of this order.
4. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E