

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5087 of 2017**

Sadanand Panda S/o Shri Antaryami Panda, Aged About 39 Years
 Occupation Service, Presently Posted As Assistant Teacher Panchayat, At
 Govt. Primary School Baradoliyapara Block Pithoura, Civil & Revenue District
 Mahasamund, Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Panchayat Department
 Mantralaya Mahanadi Bhawan Capital Complex Naya Raipur, District Raipur,
 Chhattisgarh
2. Chief Executive Officer, Janpad Panchayat Pithoura, District Mahasamund,
 Chhattisgarh
3. Dinesh Pradhan, Assistant Teacher Panchayat, Govt. Primary School
 Shrirampur, Janpad Panchayat Pithoura, District Mahasamund, Chhattisgarh
---- Respondents

For Petitioner	:	Mr. Sumit Shrivastava, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****26/09/2017**

Heard.

1. The transfer order is under challenge on the ground that though initially the petitioner had applied for mutual transfer, later on, it was withdrawn yet the impugned order has been passed showing it to be based on mutual consent.
2. Whether or not the subsequent application of withdrawal was before the authority can be best considered by the concerned authority only. If the petitioner had actually submitted the application for withdrawal prior to issuance of the order of transfer, the petitioner could not have been transferred on the basis of mutual consent. Let this aspect be examined by

the Janpad Panchayat, Pithoura, Dist. Mahasamund and the matter be decided. The petitioner has already preferred a representation. The petitioner's representation may be decided within a period of four weeks from the date of receipt of copy of this order.

3. The petition is accordingly disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge

Rekha