

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 98 of 2017

- Smt. Asha Subodh W/o Shri Lakhan Subodh, Aged About 58 Years
Upper Division Teacher, Govt. Middle School Korbi, Block - Belha,
District - Bilaspur (Chhattisgarh)

---- Appellant

Versus

1. State Of Chhattisgarh Through: Secretary, Department Of School
Education, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Collector, Bilapur (Chhattisgarh)
3. District Education Officer, Bilaspur (Chhattisgarh)
4. The Principal, Govt. Higher Secondary School, Deorihkurd, Bilaspur
(Chhattisgarh)
5. Smt. Seema Keshri W/o Shri Gulbahar Kesri, Upper Division Teacher,
Govt. Higher Secondary School Deorikhurd, Bilaspur (Chhattisgarh)

---- Respondents

For Appellant	: Shri Rishi Rahul Soni, Advocate
For Respondent/State	: Shri A.S.Kachhawaha, Addl. Adv. General

Hon'ble Shri Thottathil B.Radhakrishnan, Chief Justice
Hon'ble Shri Pritinker Diwaker, J.

Judgment On Board

Per Thottathil B.Radhakrishnan, Chief Justice

22/03/2017

We have heard learned counsel for the appellant and the learned
Additional Advocate General *in extensio*.

2. This writ appeal is by the writ petitioner. The appellant, an Upper
Division Teacher, was transferred on 28.07.2016. That was challenged before
the learned Single Judge after six months therefrom. Learned Single Judge
noted that such delayed challenge to an order of transfer and posting is not to
be entertained.

3. It appears that contemporaneous with the transfer, there were proceedings in the form of an enquiry by the Principal of the School where the appellant was earlier working. The allegation against her was that she had beaten up a child in the school. The enquiry was at the instance of the parent of the child. It is submitted on behalf of the appellant that the enquiry is concluded and there is nothing adverse to the appellant. If that were so, as rightly opined by the learned single Judge, the appellant can seek relief on that basis and need not be further apprehensive about those proceedings.

4. For the aforesaid reasons, we do not find any ground to interfere with the impugned order. We would, however, leave open the right of the appellant to make any representation, as may be found necessary, to the competent authority for any further indulgence in the light of the conclusions, if any, stated to have been arrived at by the Enquiry Officer. Subject to that, this writ appeal fails and is accordingly dismissed.

Sd/-

(Thottathil B.Radhakrishnan)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge