

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5715 of 2017**

- S. P. Jaiswal S/o Late Shri Ramdulare Jaiswal, Aged About 61 Years Posted As Block Education Officer, At Post Of Block Education Office, Ambikapur, District Sarguja, R/o Village Lakhanpur, Tahsil Lakhanpur District Sarguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Under Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Collector, Sarguja, District Sarguja Ambikapur, Chhattisgarh
4. District Education Officer, Sarguja, District Sarguja Ambikapur, Chhattisgarh
5. Sunil Datt Pandey, Principal, Government Boys Higher Secondary School, Lundra, District Sarguja, Chhattisgarh

---- Respondent

For Petitioner

Shri Mateen Siddiqui, Advocate.

For Respondents/State

Shri R.K. Gupta, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****02/11/2017**

1. Challenging the transfer order dated 11.08.2017, whereby the petitioner was transferred from the office of BEO, Ambikapur to the post of Principal Girls Compound Block Ambikapur, District Sarguja, the petitioner had preferred WPS 3939 of 2017, which was disposed of on 25.08.2017 observing thus :
 2. Considering the policy of the Govt., it would be appropriate that the petitioner's case is considered on a representation to be made by the petitioner within a period of 10 days from today.
2. In yet another petition filed by the petitioner bearing WPS No. 2443 of 2017, the challenge was made to the order passed by the Collector Sarguja posting him as Principal Girls Compound, Ambikapur on the ground of jurisdiction.
3. The said petition was disposed of upon the statement made by the State Counsel that the Collector's order will not be given effect to.
4. Pursuant to the order passed in WPS 3939 of 2017, petitioner's representation has now been decided by the impugned order Annexure P-1 issued under the signature of the under Secretary, Government of Chhattisgarh, Department of School Education.
5. The transfer policy dated 11.07.2017 provides in clause 5 that the representation against the transfer order shall be considered by a committee of Senior Secretaries and such representation shall be addressed to the Secretary General Administration Department.

6. On a reading of the impugned order, it does not appear that the representation has been considered by the committee of Senior Secretaries, therefore, there appears deviation in the matter of consideration of representation by the competent authority.
7. For the foregoing, the writ petition is disposed of with observation that petitioner's representation, filed by him pursuant to the order passed in WPS 3939 of 2017, shall be considered and disposed of by the committee constituted under clause 5 of the transfer policy within a period of one month.
8. Till the petitioner's representation is decided by the committee or for a period of one month whichever is earlier, the status-quo with regard to petitioner's posting shall be maintained.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh