

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5711 of 2017

- Mohan Patel S/o Atma Ram Patel, Aged About 53 Years Working As Upper Division Teacher At Govt Middle School Bilaigarh-A, Attached As Block Project Officer Literacy Programme, Baramkela, District Raigarh Chhattisgarh. R/o Post Manikpur, Via- Sariya, Baramkela, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. District Education Officer, Raigarh, District Raigarh Chhattisgarh.
3. District Education Officer, Raipur, District Raipur Chhattisgarh

---- Respondent

For Petitioner	Shri Manish Upadhyay, Advocate.
For Respondents	Shri Rajendra Tripathi, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/11/2017

1. Challenge in this petition is to the order dated 14.08.2017 by which he has been transferred from Government Middle School Bilaigarh-A, Baramkela, District Raigarh (C.G.) to Government Primary School, Sanjay Nagar, Raipur (C.G.) on the ground of administrative exigency.
2. The ground raised by the petitioner is that the son of the petitioner is suffering from severe disease and the petitioner is required to look after him and as such his

case may be considered sympathetically.

3. Considering the facts situation of the case, it would be appropriate to allow the petitioner to prefer a representation before the concerned competent authority raising his grievance against the impugned transfer order.
4. Let the petitioner prefer representation within a period of 4 weeks from today and thereafter, the concerned competent authority shall consider and decide the same within the next 8 weeks, in accordance with law and on its own merits.
5. For a period of 10 weeks or till the representation is decided, whichever is earlier, the *status quo*, as it exists today, in respect of the petitioner's posting, shall be maintained.
6. The writ petition is accordingly disposed of.
7. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh