

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5951 of 2017

- Smt. Sisiliya Madhu Tirkey W/o Shri Surendra Kumar Aged About 55 Years Occupation - Teacher (Panchayat) Government Middle School Koteya , Block Ambikapur District Surguja R/o Fundurdihari, Nawapara, Maharani Laxmibai Ward No. 9, Ambikapur District Surguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan New Mantralay , District Raipur Chhattisgarh.
2. The Director, Public Instructions Indrawati Bhawan, Mantralay, District Raipur Chhattisgarh.
3. The Collector, Ambikapur District Surguja Chhattisgarh.
4. The Chief Executive Officer, District Panchayat Ambikapur District - Sarguja Chhattisgarh.

---- Respondent

For Petitioner	Shri Sunil Tripathi, Advocate.
For Respondents/State	Shri Ashutosh Pandey, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/11/2017

1. Challenge in this petition is to the order dated 25.08.2017 by which he has been transferred from the post of Teacher Panchayat of Middle School Koteya Block Ambikapur to Middle School Kusu, Block Lakhanpur, as English Teacher on the ground of administrative exigency.
2. The ground raised by the petitioner is that the impugned

order is illegal and arbitrary because as per the notification dated 19.10.2004, unless and until the employee of the Panchayat submitted his application before the appointing authority/Zila Panchayat his services cannot be transferred. The petitioner is suffering from severe ailment and is taking treatment.

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 12 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