

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5920 of 2017**

1. Saradhuram Mandavi S/o Late Shri Mangal Singh, Aged About 44 Years Caste Gond, Acting Principal (Lecturer Panchayat) Government Higher Secondary School Jamgaon Block Narharpur, Tahsil Narharpur, District North Bastar Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Chhattisgarh
2. Collector, District North Bastar Kanker, Chhattisgarh
3. Chief Executive Officer, Jila Panchayat Kanker, District North Bastar Kanker, Chhattisgarh
4. District Education Officer, Kanker District North Bastar, Kanker, Chhattisgarh
5. Block Education Officer, Block Narharpur, Tahsil Narharpur District North Bastar Kanker, Chhattisgarh

---- Respondent

For Petitioner Shri Manoj Mishra, Advocate.
For Respondents/State Shri R.K. Mishra, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/11/2017**

1. Challenge in this petition is to the order dated 17.10.2017 by which he has been transferred from Govt. Higher Secondary School Jamgaon Block Narharpur, Tahsil Narharpur, District North Baster C.G. to Govt. High School Machpalli Block Koyalibedha on the ground of administrative exigency.
2. The ground raised by the petitioner is that the inquiry conducted against the petitioner is not in accordance with law. The petitioner is a member belongs to Gond Community and his relatives are members of political party, therefore, on account of political rivalry the impugned action has been taken against the petitioner in an illegal and arbitrary manner and with mala fide intention only to harass the petitioner.
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. It is made clear that during the period of operation of the interim order petitioner shall not involve in any illegal or untoward activity within the school premises. If such incident happens, the authorities shall constitute a departmental inquiry against the petitioner.
7. The writ petition is accordingly disposed of.

8. It is further 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/

Gowri