

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6298 of 2017**

- Yashwant Lautre S/o Manohar Singh Lautre, Aged About 32 Years, Caste Mahar, Assistant Teacher Panchayat, Primary School, Pathratola, Block Ambagarh Chowki, Civil And Revenue District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Mantralaya Raipur, Civil And Revenue District Raipur, Chhattisgarh
2. The Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh
3. The Director (Public Instructions), Directorate Of Public Instructions, Mahanadi Bhawan, New Mantralaya, Raipur, Civil And Revenue District Raipur, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat, Ambagarh Chowki, District Rajnandgaon, Chhattisgarh
5. District Education Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner	Mr. Kalpesh Ruparel, Advocate
For Respondent /State	Mr. Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

22/11/2017

Heard.

(2) Challenge in this petition is to the order dated 13.10.2017, by which, the petitioner, who is working on the post of Assistant Teacher

(Panchayat) has been transferred from Primary School, Pathratola to Primary School, Dumargucha (Vicharpur).

(3) The ground raised by the petitioner is that impugned transfer order has been issued in contrary to the Policy of the State Government, as in the said order, it is not stated as to whether the petitioner is declared as "Excess" in the Block and no option has also been taken from the petitioner for changing the subject/category. Further, on account of petitioner's transfer from one Janpad Panchayat to another Janpad Panchayat, his seniority may get affected.

(4) 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 her grievance against the impugned transfer order.

(5) Let the petitioner prefer representation within a period of 04 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.

(6) 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.

(7) The writ petition is accordingly disposed of.

(8) 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)