

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Reserved on 20-11-2017****Delivered on 23-11-2017****WA No. 476/2017**

(Arising out of order dated 27-10-2017 in WPS no. 4502/2017)

Smt. Snehlata Tiwari W/o Late Sanjay Kumar Tiwari, Aged About 56
Years Principal Government High School Supela, Bhilai, District Durg,
CG

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education,
Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. District Education Officer, Durg, District Durg, Chhattisgarh
3. Shri Rajesh Chaterjee, Principal, Govt. High School, Parsada,
Kumhari, District Durg, Chhattisgarh, At Present Principal, Govt. High
School, Supela, Bhilai, District Durg, Chhattisgarh

---- Respondents

For appellant	:	Shri K.N. Nande, Adv.
For Respondent.	:	Shri R.K. Gupta, Dy. Adv. General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****CAV JUDGMENT****Per Sharad Kumar Gupta, Judge**

1. In this writ appeal, challenge is levied to the order dated 27-10-2017 passed by learned Single Judge in WPS No. 4502/2017 vide Annexure A-1 whereby and whereunder he dismissed the writ petition.
2. In brief, appellant's case is that at the time of issuing of the order dated 14-8-2017 vide Annexure P-1, she was posted as Principal, Government Higher Secondary School, Supela, Bhilai Distt. Durg and transferred to Government High School, Parsada, Kumhari, Distt. Durg. Another transfer order was also issued on 14-8-2017 vide Annexure P-4 by which 133 principals were transferred. In both the

Annexure P-1 and Annexure P-4 there is same order number i.e. क्रमांक एफ 1-59/2017/20-एक, but they have been issued by different Under Secretaries. It clearly demonstrates that Annexure P-1 was issued after the date of ban but to show that it has been passed before the date of ban, date 14-8-2017 has been mentioned in it. She is a widow lady and aged 56 years suffering from heart ailment. Her new place of posting is 45 km away from Bhilai where she is availing medical facility.

3. Being aggrieved by order Annexure P-1 the appellant preferred aforesaid writ petition which has been dismissed as aforesaid.
4. Shri K.N. Nande, counsel for the appellant argued that learned Single Judge has erred in holding that the aforesaid same order number in Annexure P-1 and Annexure P-4 is a technical aspect. The impugned order is unsustainable and deserves to be set aside.
5. Shri R.K. Gupta, Dy. Advocate General submitted that the impugned order is in accordance with law and procedure and there is no violation of any provision.
6. Learned Single Judge had called the relevant file regarding issuance of Annexure P-1 dated 14-8-2017 and gave a finding on 10-10-2017 that Annexure P-1 was not antedated.
7. Bearing same date, same order number, issuance by different Under Secretaries, do not give rise to assumption that Annexure P-1 was issued after the date of ban and to show it to be issued before the date of ban, date 14-8-2017 has been mentioned in Annexure P-1.
8. There is no such other evidence on record on the strength of which it could be said that Annexure P-1 was actually issued after the date of ban and projected as it was issued before the date of ban.
9. There is no such material on record which shows that allegedly there is

no good means of conveyance available between Supela Bhilai and Parsada.

10. In the impugned order, opportunity was given to the appellant to file representation but she did not avail this opportunity.

11. Looking to the aforesaid facts and circumstances, this Court finds that the order Annexure P-1 and the impugned order do not suffer from any error or illegality. Thus, we are agree with the reasoned impugned order Annexure A-1 passed by learned Single Judge and affirm the same.

12. Consequently, the writ appeal being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Judge

Sd/-
(Sharad Kumar Gupta)
Judge