

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6879 of 2017**

- Dr. Shailesh Daura S/o Bholeswar Daura, Aged About 33 Years R/o Tikrapara, Deobhog, Tehsil Deobhog, District Gariyaband, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Director, Health Services, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. Chief Medical And Health Officer, Gariyaband, District Gariyaband, Chhattisgarh.
4. Block Medical Officer, Deobhog, District Gariyaband, Chhattisgarh.

---- Respondent

For Petitioner	Shri P.P. Sahu, Advocate.
For Respondents/State	Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/12/2017**

1. Challenge in this petition is to the order dated 27.11.2017 by which petitioner has been transferred from Community Health Centre, Devbhog to Primary Health Centre, Amlipadar.
2. Grounds raised by the petitioner is that the impugned order has been passed in an illegal and arbitrary manner and that to without there being any administrative exigency. The impugned order has been passed transferring the petitioner

within a period of three months which is per se illegal and arbitrary. There is no complaint against 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 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.
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