

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6007 of 2016

Yogeshwar Kumar Sahu S/o Shri Baliram Sahu Aged About 49 Years R/o Village
And Post Khartham, Tahsil Charama, District Uttar Bastar, Kanker, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Its Secretary, School Education Department (T Cadre), Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. District Education Officer, District Uttar Bastar, Kanker, Chhattisgarh
3. Collector, Uttar Bastar, Kanker, Chhattisgarh

---- Respondents

Shri Parag Kotecha, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/01/2017

The petitioner has challenged legality and validity of impugned order dated 15/09/2016 on the sole ground that once an order of transfer dated 30/07/2016 followed by 28/08/2016 has been complied with and the petitioner joined at the new place of posting, the transfer order could not be cancelled in view of settled legal position under orders passed by this Court in catena of decisions, some of which are *Brajendra Singh Vs. State of Chhattisgarh & Ors* (WPS No.5012/2009, decided on 9.3.2010), *Dr. Toshani Lal Tadar Vs. State of Chhattisgarh & Ors.* (WPS No.855/2012, decided on 27.2.2012) and *Khubchand Verma Vs. State of Chhattisgarh & Ors.* (WPS No.1054/2012, decided on 2.3.2012)

2. On the other hand, learned State counsel does not dispute the factual position that the impugned order of cancellation was passed only after the petitioner complied with and executed the transfer dated 30/07/2016 read with order dated 26/08/2016.

3. In view of abovesaid admitted position, the legal position is quite clear and therefore, the impugned order cannot be sustained and is declared illegal. The petitioner shall be allowed to continue at the present place of posting. The petition is finally disposed off with liberty to the respondents to pass such order considering the necessity in administrative exigency.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti