

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2509 of 2017

Mamta Diwakar W/o Shri M. R. Diwaker, Aged About 40 Years Shikshak Panchayat, Government Primary School, Chandrapur, Lormi, Distt. Mungeli (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Collector, Mungeli District Mungeli (Chhattisgarh)
3. Zila Panchayat, Mungeli, Through Its Chief Executive Officer, Mungeli, Distt. Mungeli (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sanjay Patel, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/07/2017

Heard.

1. This is a matter where the petitioner seeks a direction for consideration of her representation for posting at a place where her husband is posted, in furtherance of State policy to keep the husband and wife together as far as possible subject to administrative exigency of service.
2. According to petitioner, she is working as Shikshakarmi and posted at Lormi and her husband is also Shikshakarmi and posted at Dharmapura. It is submitted that both of them are posted and working in the same district and within the jurisdiction of same Jila Panchayat and, therefore, the Jila Panchayat can look into the grievance and explore the possibility of posting the petitioner and her husband at the same place.
3. Learned counsel for the State submits that though there exists a policy of the

Govt. to post husband wife together, this is subject to administrative exigency and public interest, because posting of teachers are required to be made looking to the requirement of teachers in a school and other relevant consideration including compliance of provisions of Right to Education Act.

4. The indulgence granted to a Govt. servant for posting at a place where his/her spouse is posted is subject to exigency of service. All that can be done is to direct the authority to consider whether, subject to administrative exigency, it is possible to post the petitioner and her husband either at the same station or if possible at the nearest possible station.
5. Let representation of the petitioner be considered and decided within a period of three weeks from the date of receipt of copy of this order and in case it is possible, post the petitioner and her husband either at the same place or at the nearest station, if possible.
6. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge