

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4061 of 2017**

Ankita Bhardwaj W/o Mahendra Kumar Bhardwaj, Aged About 29 Years Hostel
Supreintendent Grade D At Pre Matric Anusuchit Jan Jati, Kanya Chhatrawas,
Brihaspati Bazar, Bilaspur, District Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through : The Under Secretary, Department Of
Scheduled Caste And Scheduled Tribe Development Mahanadi Bhawan,
Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Scheduled Caste And Scheduled Tribe Development
Department, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. Assistant Commissioner, Tribal Welfare Department, Bilaspur, District Bilaspur
(Chhattisgarh)
4. Ku. Annapurna Sahu, Hostel Supreintendent Grade D At Pre Matric Anusuchit
Jan Jati, Kanya Chhatrawas, Korbi, Chotiya, Block Podi Uroda, District Korba
Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri A.S. Rajput, Advocate
For State	:	Shri Satish Gupta, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/08/2017

Heard.

1. The transfer order is being challenged on the grounds mentioned as below :
 - (a) That the petitioner has not completed her probation period.
 - (b) That the petitioner's husband has remained posted at Bilaspur and there
is Government's policy to keep the husband and wife together as far as possible
in a nearby station. Therefore, she may not be posted at far off place.

(c) That the petitioner is undergoing pregnancy and at this stage, if the petitioner is transferred from one place to another, she may suffer acute hardship.

2. As far as transfer during probation period is concerned, the petitioner could not satisfy the Court with reference to authority that during probation period, an employee should be shifted from one place to another. The other ground is that the petitioner should not be subjected to transfer as the petitioner's husband is posted at Bilaspur, is only a matter of administrative exigency and is to be considered by the State whether it would be administrative exigency to accommodate the petitioner at the present place or to any other station in nearby area. This is always subject to administrative exigency and public interest.
3. The petitioner may prefer representation to the State and if that is done within a period of 15 days, the same shall be considered and decided within four weeks. The petitioner is said to be undergoing pregnancy, therefore for this reason, the petitioner may apply for appropriate medical leave.
4. Learned counsel for the petitioner submits that even if the petitioner applies for medical leave, coercive steps is likely to be taken.
5. Learned State counsel submits that if the petitioner is entitled to leave on the ground of she undergoing pregnancy, the petitioner should not be an apprehension of any coercive steps.
6. No coercive steps shall be taken once petitioner applies for leave.
7. The petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge