

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4075 of 2017

Sharafat Ali S/o Late Rahat Ali, Aged About 58 Years Principal Government Higher Secondary School, Bakulwahi, Block Narayanpur, District Narayanpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. The Collector, Narayanpur, District Narayanpur Chhattisgarh.
3. The District Education Officer, Narayanpur, District Narayanpur Chhattisgarh.

---- Respondents

For Petitioner : Shri S.K. Thomas, Advocate

For State : Shri A.S. Kachhawaha, Additional Advocate General

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

Order On Board

28/08/2017

Heard.

1. The transfer order is under challenge mainly on the ground that the petitioner has hardly completed one year of posting at the present place and that wife of the petitioner is posted as Shikshakarmi Grade-III within the jurisdiction of Janpad Panchayat, Narayanpur and if the petitioner is posted outside the area, he will suffer hardship.
2. The petitioner has completed one year of posting, therefore, he has become due for transfer in view of the present policy dated 11th July 2017, amended on 24.7.2017. The policy is not under challenged before this Court.

3. As far as the ground of posting of husband and wife at the same place is concerned, it is only an administrative policy subject to administrative exigency and public interest. However, as there is policy to keep husband and wife together at one place subject to exigency of service and administrative interest, it is ordered that if the petitioner prefers representation within a period of 15 days, the same shall be considered within a period of four weeks.
4. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen