

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3161 of 2016**

- Sanjay Pandey S/o Shri Bhaiyalal Sharma, Aged About 45 Years Posted At A Teacher, Deaf And Dump, Mahasamund R/o D 12, Parsuram Nagar, Behind Mining Office, Puraina, P.S. Telibandha, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Social Welfare, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. The Director, Social Welfare Department, Indrawati Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
3. The Deputy Director, Social Welfare, Office Of Collectorate, Mahasamund, District Mahasamund Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sandeep Dubey, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/05/2017**

1. Petitioner is aggrieved by the impugned transfer order, whereby he has been transferred from Government Multi Handicapped Special School, Mahasamund to Government Girls Mental Disorder Special School, Narayanpur. At the time of admission, the petitioner argued that he is specialized in deaf disorder and not in mental disorder, therefore, he should not be posted at a place where there is no utility of his specialization. Considering the submission, this Court directed the State counsel to seek instructions and explain as to why the petitioner, who is a male teacher, is posted in mental disorder girls special school, particularly when the

petitioner is specialized in deaf disorder and not mental disorder subject.

2. It appears, while preparing reply to the query raised by this Court, the respondents realized their mistake and passed a fresh order on 28.02.2017 by modifying the petitioner's posting from Government Mental Disorder Special School, Narayanpur to Government Visual and Deaf Disability School, Kawardha, District Kabirdham, however, in view of the interim order, the petitioner is still continuing at Mahasamund.
3. Considering the entire facts situation of the case and for the fact that the order Annexure R-1 has been passed bonafidely for the purpose of replying to the query raised by this Court, ends of justice would be served if the writ petition is disposed of by directing that if the petitioner prefers a representation against the modifying order dated 28.02.2017 (Annexure R-1) within a period of 4 weeks from today and thereafter the State Government shall consider the representation objectively and decide the same on its own merits, at the earliest, preferably within a period of two months from the date of submission. It is ordered accordingly.
4. Till the representation is decided or for the period of three months, whichever is earlier, the petitioner shall be allowed to continue at the present place of posting i.e. Mahasamund.

Sd/-

Judge

Prashant Kumar Mishra

Ashu