

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4500 of 2016**

- Smt. Vijaya Ogar S/o Shri Naval Chand Ogar, Aged About 30 Years Occupation Assistant Teacher, Panchayat Primary School, Jaamguda Sankul Sargipal, Block Jagdalpur, P.S. Jagdalpur, Distt. Bastar, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.S. Abhanpur, District Raipur, (Chhattisgarh)
2. Collector, Bastar, Office Of Collector, District Bastar, (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat Sukma, Office Of Chief Executive Officer, Jila Panchayat, Sukma, P.S. Sukma, District Sukma, (Chhattisgarh)
4. Chief Executive Officer, Jila Panchayat, Bastar Office Of Chief Executive Officer Jila Panchayat, Bastar, P.S. Bastar, District Bastar, (Chhattisgarh)

---- Respondent

For Petitioner	Ms. Deepali Pandey, Advocate
For Respondent /State	Ms. Tripti Rao, Panel Lawyer
For Respondent No.3	Mr. Manish Nigam, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

8/5/2017

1. Heard.
2. The petitioner is aggrieved by the order dated 19.08.2016-Annexure P/2, whereby, the petitioner's transfer as Assistant

Teacher (Panchayat) from Primary School, Gongla, District Sukma to District Bastar made on 26.7.2016 has been cancelled consequent upon the State Government's order dated 30.06.2016- Annexure P/1.

3. It is argued that the petitioner having already complied the transfer order, executed order cannot be cancelled.
4. However, the present is a case, wherein, a coordinate Bench of this Court vide common order dated 23.12.2006 passed in WPS 1273 of 2016 and other connected petitions, has held that inter-district transfer of an Assistant Teacher (Panchayat) is illegal and without jurisdiction. The said order has not been challenged further by any of the parties concerned in writ appeal, therefore, it has attained finality.
5. The impugned orders are in a way giving effect to the writ issued by this Court, therefore, any order quashing the present impugned orders would be contrary to the writ issued by the Court, which is not permissible in law.
6. Therefore, the principle that an executed transfer order cannot be cancelled has no application in the facts and circumstances of the present case.
7. Since admittedly the petitioner, who is an Assistant Teacher (Panchayat), was transferred from one district to another district, the present case is covered by the law laid down by this Court in the matter of **Geeta Sukhdev Vs. State of Chhattisgarh and others** (WPS 1273 of 2016 and other

connected petitions, decided vide common order dated 23.12.2006).

8. Therefore, the writ petition has no substance. It deserves to be and is hereby dismissed. Sd/-

Judge

(Prashant Kumar Mishra)

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