

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4076 of 2017

Dr. Brijesh Pandey S/o Late Shri Kedar Nath Pandey, Aged About 55 Years
Occupation Principal, Government Higher Secondary School, Parsa, Block
Ambikapur, District Surguja, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Anusuchit Jati Kalyan, Ministry Of Finance, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh, Through The Over Secretary, Department Of School Education, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Awadh Tripathi, 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 petitioner has challenged the transfer order dated 14.8.2017 mainly on the ground that the petitioner has been subjected to frequent shifting from one place to other place. It is submitted that vide order dated 3.10.2015 while the petitioner was working as Principal of the School at Parsa, he was directed to take charge of Block Education Officer, which required the petitioner to shift from Parsa to Ambikapur. While the petitioner was working at Ambikapur as Block Education Officer, two orders of transfer were passed on 30th July 2016 under which the petitioner was posted at three different places including his original place of posting at Parsa. The

Govt. then clarified the order vide another order dated 1.12.2016 and the petitioner was asked to go back to his original place of posting at Parsa. This time, the petitioner again shifted to Parsa. Thereafter, impugned order has been passed.

2. It appears that within a period of less than one year, the petitioner has again been made to undergo change of posting. At Parsa, the petitioner has been working only since 1.12.2016, Therefore, in substance, it will violate the policy of shifting an employee within a short period of one year. The matter requires consideration by the respondent authority. Representation has already been submitted by the petitioner.
3. The petitioner shall submit a fresh application along with copy of this order within a period of 10 days. Upon receipt of such application /representation, the respondent authority shall take decision thereon in the light of its policy within a period of four weeks and for a period of six weeks, no coercive steps shall be taken against the petitioner.
4. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge