

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6630 of 2017**

- Smt. Nandini Rathore W/o Shri Pradeep Kumar Rathore Aged About 30 Years, Assistant Teacher Panchayat, Govt. Primary School, Khaira, Block Masturi, Distt. Bilaspur Civil & Revenue District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. Director, Panchayat Development Department, Indrawati Bhawan, 4th Floor, New Raipur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Bilaspur District Bilaspur Chhattisgarh,
4. Chief Executive Officer, Janpad Panchayat Masturi, District Bilaspur Chhattisgarh.
5. Block Education Officer, Block Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner	Mr. Ashutosh Mishra, Advocate
For Respondent /State	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****29/11/2017**

(1) Heard.

(2) Challenge in this petition is to the order dated 13.11.2017, by which, the petitioner, who is working on the post of Assistant Teacher (Panchayat) has been transferred from Khaira, Block Masturi to

Kewtara District Bilaspur under rationalization scheme.

(3) The ground raised by the petitioner is that impugned transfer order has been issued contrary to the transfer policy as the petitioner's husband is also working as Lecturer (Panchayat) and posted at Mastrui Block and according to the policy, as far as possible, both the husband and wife are to be posted at the same place. Further, the petitioner is carrying 5 months pregnancy and taking medical treatment at Korba and therefore, it is not possible for her to join at the transferred place.

(4) Considering the facts' situation of the case, it would be appropriate to allow the petitioner to prefer a representation before the concerned competent authority raising his grievance against the impugned transfer order.

(5) Let the petitioner prefer representation within a period of 04 weeks from today and thereafter, the concerned competent authority shall consider and decide the same within the next 8 weeks, in accordance with law and on its own merits.

(6) For a period of 12 weeks or till the representation is decided, whichever is earlier, the *status quo*, as it exists today, in respect of the petitioner's posting, shall be maintained.

(7) The writ petition is accordingly disposed of.

(8) It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge

(Prashant Kumar Mishra)