

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1172 of 2017

Shiv Shankar Mishra S/o Late Shri Mohan Mishra, Aged About 58 Years
Head Master (H. M.) At Govt. Girls Middle School, Jhagrakhand, P.S.
Jhagrakhand, Block Manendragarh, Distt. Korea, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Avar Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur
(Chhattisgarh)
2. Director Public Instruction, Chhattisgarh Government, Raipur, Distt. Raipur,
(Chhattisgarh)
3. District Education Officer, Baikunthpur, Distt. Korea, (Chhattisgarh)
4. Block Education Officer, Block Manendragarh, Distt. Korea, (Chhattisgarh)
5. Gopal Prasad Bunker, H. M. At Girls Middle School, Jhagrakhand,
Manendragarh, Distt. Korea, (Chhattisgarh) **---- Respondents**

For Petitioner	:	Mr. A.S. Rajput, Advocate
For State	:	Mr. R.K. Mishra, Dy. A.G.

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

Order On Board

09/03/2017

Heard.

1. The petitioner has assailed correctness and validity of order dated 09.02.2017 by which, the petitioner's transfer to Government Girls Middle School, Jhagrakhand, Block-Manendragarh, District Korea has been cancelled.
2. Learned counsel for the petitioner submits that the petitioner had carried out the order of transfer passed on 30.07.2016 and joined at Government Girls Middle School, Jhagrakhand on 01.09.2016. It is submitted that likewise another employee Gopal Prasad Bunker was also transferred in the same school by the same order and he also carried out the transfer order and joined in the same school. The Block Education Officer vide memo dated 19.08.2016 addressed to the Director recommended cancellation of transfer of Gopal Prasad Bunker but

the transfer of the petitioner has been cancelled.

3. It appears that two Head Masters have been posted in the same school. Therefore, one of them has to be posted in other place. It is also stated before the Court that Gopal Prasad Bunker is going to retire within two months. Thus, while recommendation of the Block Education Officer is that the petitioner should be continued and Gopal Prasad Bunker should be shifted, the Government has decided to change the place of posting of the petitioner probably for the reason that Gopal Prasad Bunker is going to retire within two months.

4. Both the considerations are administrative in nature and do not involve any legal issue. It would be better for the Government to consider this aspect as to whether an employee retiring in two months, should be continued in the same school or the petitioner who has been transferred and has carried out the transfer order. The petitioner may submit a copy of this order before respondent No.1, who shall take an appropriate decision in the matter within a period of four weeks. Till decision is taken and orders are passed, the present status where the petitioner and respondent No.5 both are continued in the same place, shall be maintained.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge