

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2667 of 2017**

Sumita Sidar D/o Shri Amrit Lal Sidar, aged about 24 years, Lecturer (Panchayat), Posted in Govt. Higher Secondary School, Dhurkot, Block Dabhara, District Janjgir Champa, Civil and Revenue District Janjgir Champa (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Panchayat and Rural Development Department, Mahanadi Bhavan, Mantralaya, New Raipur (Chhattisgarh).
2. Collector, Janjgir Champa, District Janjgir Champa (Chhattisgarh).
3. Chief Executive Officer, Zila Panchayat, Janjgir- Champa, District Janjgir- Champa (Chhattisgarh).
4. Block Education Officer, Dabhara, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri M. K. Sinha, Advocate
For Respondent/State	:	Shri Rajendra Tripathi, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/06/2017**

Challenge in the present writ petition is the order dated 14.06.2017 whereby the petitioner has been transferred from Govt. Higher Secondary School, Dhurkot, Block Dabhara to Govt. Higher Secondary School, Kansa, Block-Dabhara, District Janjgir Champa.

2. The sole ground for challenging the impugned order is that the petitioner is a Lecturer (Panchayat). She was appointed vide order dated 26.10.2016 and in the order of appointment itself there is a clause that during the period of probation, she shall not be entitled for transfer.

3. Counsel for the petitioner submits that the impugned order thus is contrary to the order of appointment. He submits that the intention for such a

clause in the appointment order is for the authority under whom the petitioner is appointed to assess her performance so as to decide whether her services are satisfactory or not on the basis of which she has to be confirmed. He further submits that in the event of frequent transfer, the assessment cannot be properly done and therefore, the clause has been inserted.

4. State counsel, however, submits that the impugned order itself shows that it has been passed considering the shortage of teachers in Higher Secondary Schools at the district level.

5. Be that as it may, taking into consideration the fact that there is a clause in the appointment order itself that during the probation period, the petitioner would not be entitled for transfer, this Court is of the opinion that ends of justice would meet if the petitioner makes a fresh representation to the respondent-authorities within a period of 15 days from today and upon such representation being made, the same shall be considered by the concerned authorities as early as possible preferably within a period of three months. It is ordered accordingly.

6. Till the representation of the petitioner is decided, the effect and operation of the impugned order so far as the present petitioner is concerned should not be given effect to.

7. With the aforesaid direction the present writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**