

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4293 of 2017**

Smt. Jaya Tiwari W/o Shri R. P. Tiwari, Aged About 50 Years Working  
As Principal, At Govt. Higher Secondary School Khamariya ( Junwani )  
Bhilai, Block Durg, District Durg Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School  
Education Mahanadi Bhawan Mantralaya New Raipur, District Raipur  
Chhattisgarh
2. Director, Directorate Public Instruction, Chhattisgarh Raipur, District  
Raipur Chhattisgarh
3. District Education Officer, Durg Chhattisgarh
4. R. P. Gupta, Posted At Govt. Higher Secondary Sankara, District Durg  
Chhattisgarh

**---- Respondents**


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|----------------|---|---------------------------------|
| For Petitioner | : | Mr. Ajay Shrivastava, Advocate. |
| For State      | : | Ms. Sunita Jain, Panel Lawyer   |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****07/09/2017**

Heard.

1. The transfer order is under challenge on the following grounds :
  - (a) that the transfer order has been passed only to accommodate respondent No.4.
  - (b) that the petitioner's husband is posted as Veterinary College at Anjora and the petitioner has been transferred to a place which is at considerable distance from the place of posting of petitioner's husband.
2. Admittedly, the petitioner has remained posted at the present place since last seven years. Therefore, she has become due for transfer. Once the

petitioner has completed normal tenure of posting at the present place, she has become due for transfer, posting of any other person in place of the petitioner, on his own request, without anything more, would not amount to malafide accommodation. Therefore, this ground is not made out to interfere with the transfer order.

3. The petitioner has been transferred to a place which is only 40 km. away. The petitioner's husband is not posted at the same place. This matter, at best, could be considered only by the respondent authority whether the petitioner should be posted in any other station keeping in view the policy of the Government to keep husband wife together either at the same station or at nearby station as far as possible subject to administrative exigency and public interest.

4. With the liberty to prefer representation on the second aspect only, the petition is disposed off. If the petitioner prefers representation, the same shall be considered and decided within a period of four weeks from the date of receipt of copy of this order.

**Sd/-  
(Manindra Mohan Shrivastava)  
Judge**