

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4174 of 2016

- Vyas Narayan Tiwari S/o Shri Mahesh Prasad Tiwari, Aged About 56 Years
Occupation Head Master Government Middle School Raochan, Block Bodla,
P. S. Bodla, District Kabirdham (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : Secretary, Department Of School
Education Mantralaya, Mahanadi Bhawan, Naya Raipur, P. S. Abhanpur,
District Raipur (Chhattisgarh).
2. Collector, Kabirdham Office Of Collectorate, Kabirdham, P. S. Kabirdham,
District Kabirdham (Chhattisgarh).
3. Block Education Officer, Bodla Office Block Education Officer Bodla, P. S.
Bodla, District Kabirdham (Chhattisgarh).
4. Block Education Officer, Pandariya Office Block Education Officer
Pandariya, P. S. Pandariya, District Kabirdham (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Deepali Pandey, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2017

1. Heard.
2. In this petition, the petitioner has challenged the transfer order dated
30/07/2016 whereby he has been transferred from Govt. Middle School,
Raochan to Govt. Middle School Ghoghra Sondha, District Kabirdham on
administrative ground.

Learned counsel for the petitioner submits that the petitioner is a Class II
Gagettted Officer, the appointing authority of the petitioner is State Govt.
Moreover the transfer policy dated 11/06/2016 delegates the power of
transfer of Class III and IV on the Collector, whereas the transfer of State
Cadre employees rest only with and reserved to itself by the State
Government. Therefore, the impugned transfer order is without jurisdiction.

3. State counsel submits that the transfer of the petitioner is on administrative ground and the Collector is head of the district, therefore, the petition deserves to be dismissed.
4. I have to hold that learned counsel for the State failed to satisfy the requirement of the jurisdiction. Perusal of the transfer policy dated 11/06/2016 clearly shows that the State Government delegated to the Collector, the power of transfer of only Class III and IV employee within the district with the recommendation of incharge Minister. In so far as transfer of Class II Gazetted Officer is concerned, I do not find anything in the circular dated 11/06/2016 or any other order to show that the Collector was delegated that power.
5. In view of the above, the transfer is without jurisdiction and is quashed. The petitioner shall be allowed to join back the institution.

Sd/-

(Manindra Mohan Shrivastava)
Judge