

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5983 of 2017

- Krishna Kumar Bharti, S/o Shri Chandradev Bharti, Aged About 57 Years, Occupation - Service, Presently Posted as Head Master Govt. Middle School Badouli, Block- Rajpur, Distt. Balrampur, R/o Gandhinagar, Ward No. 07, Veersavarkar Ward, Ambikapur, Civil & Revenue District Ambikapur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur Chhattisgarh.
2. Collector, Balrampur, District Balrampur Chhattisgarh
3. District Education Officer, Balrampur, District Balrampur Chhattisgarh.
4. Block Education Officer, Rajpur, District Balrampur, Chhattisgarh.
5. Mahendra Pratap Singh, Head Master Govt. Middle School Badouli, Block- Rajpur, Distt. Balrampur, (Chhattisgarh)

---- Respondents

For Petitioner	Shri R. V. Rajwade, Advocate
For Respondent-State	Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/11/2017

1. The petitioner is working as Head Master at Government Middle School, Badouli, Block Rajpur, District Balrampur. By two separate orders issued on 14.08.2017, in one, the petitioner was shown to have transferred to Government Middle School, Amrawatipur, Block Wadrafnagar, District Balrampur at his own

request. In the other order, the petitioner was shown to have transferred to the same place on administrative exigency.

2. The petitioner preferred WPS No.4590/2017 challenging the first order, whereby he was transferred at his own request, on the ground that he has never made any request for transfer. By the present impugned order (Annexure-P-1), the first transfer order showing him to transfer him at his own request has been cancelled. Thus, the second order (Annexure-P-5) transferring the petitioner on administrative exigency still remains intact.
3. It is submitted that the transfer place is situated at a distance of 140 kms, therefore, the petitioner being 57 years of age, his entire family would be uprooted causing immense inconvenience to him and his family members.
4. Considering the entire 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 4 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

Nirala