

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6053 of 2017**

- J.R. Daharia S/o Sahni Ram Daharia, Aged About 42 Years
R/o Achankapali, Post Chind, Tahsil Sarangarh, District
Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education
Department, Mahanadi Bhawan, Mantralaya, Capital Complex,
Naya Raipur, District Raipur, Chhattisgarh
2. District Education Officer, Baloda Bazar Bhatapara, District
Balodabazar-Bhatapara, Chhattisgarh
3. P.D.Koshle, Principal Government Higher Secondary School
Koshurangi, Block Arang, District Raipur, Chhattisgarh
4. Umesh Kumar Dehri, Principal, Government High School
Chhatamuda, Block Pusaur, District Raigarh, Chhattisgarh

---- Respondent

For Petitioner
For Respondents

Shri Manoj Paranjpe, Advocate.
Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****15/11/2017**

1. Challenge in this petition is to the order dated 11.08.2017 by
which he has been transferred from Block Education Officer,
Block Bilaigarh, District Baloda Bazar-Bhatapara (C.G.) to
Government High School Chhatamuda, Block Pusaur, District
Raigarh on the ground of administrative exigency.

2. The ground raised by the petitioner is that two persons have been transferred at one place and out of them one has already joined and no post is lying vacant at the transferred place. The impugned order has been passed against the transfer policy and that to without there being any administrative exigency.
3. Considering the 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.
4. Let the petitioner prefer representation within a period of 04 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.
5. 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.
6. The writ petition is accordingly disposed of.
7. 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

Akhilesh