

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6467 of 2017

- Motiram Khande S/o Shri Chaitram Khande Aged About 38 Years R/o Qtr. No. B- 16, Police Line, Near Police Line, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough The Secretary, Chhattisgarh Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur Chhattisgarh.
2. Commissioner, Joint Director, Panchayat Directorate, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. The Collector, Bilaspur, District Bilaspur Chhattisgarh.
4. Chief Executive Officer, Bilaspur, District Bilaspur Chhattisgarh.
5. Block Education Officer, Bilha, District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner Shri C.P. Lahrey, Advocate
For Respondents Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/11/2017

1. Challenge in this petition is to the order dated 31.05.2016 by which he has been transferred from Govt. Middle School, Bamhu, block Bilha, District Bilaspur to Govt. Middle School, Kukurdikala, District Bilaspur on the ground of administrative exigency.

2. The ground raised by the petitioner is that the impugned order has been passed contrary to the transfer policy issued by the State Government. The said policy categorically provides that the wife and husband should be posted at a particular place of posting. The impugned order has been passed only harass the petitioner 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