

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6633 of 2017**

- Jhasen Kumar Gavel S/o Shri S. R. Gavel, Aged About 52 Years Working As Physical Training Instructor, Govt. Higher Secondary School, Malkharoda, Tahsil Malkharoda, Education District Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, New Mantralaya, New Raipur Chhattisgarh.
2. The Director, Public Instructions, Indrawati Bhawan, Raipur Chhattisgarh.
3. The District Education Officer, Education District Sakti, Revenue District Janjgir & Champa Chhattisgarh.

---- Respondent

For Petitioner
For Respondent /State

Mr. Ali Asgar, Advocate
Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****29/11/2017**

Heard.

(2) Challenge in this petition is to the order dated 14.8.2017, by which, the petitioner, who is working on the post of Physical Training Instructor, has been transferred from Malkharoda, District Janjgir-Champa to Taga, District Janjgir-Champa.

(3) The ground raised by the petitioner is that as per the guidelines,

the Class III and Class IV employees cannot be transferred to another District. The father of the petitioner is old and bed ridden and the petitioner is required to attend him regularly and if he is posted at far away place, it will become difficult for him to take care of his old aged father. Further, no other person has been posted in place of the petitioner till date, which may cause loss to the students of the Block.

(4) 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.

(5) 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.

(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)