

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6808 of 2017

- Gopi Ram Verma S/o Shri Barasanram Verma, Aged About 40 Years, R/o Village Dhara Ward No.06, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department of Panchayat & Rural Development, Chhattisgarh, Mahanadi Bhawan Raipur, Chhattisgarh
2. District Education Officer, District Rajnandgaon, Chhattisgarh
3. Chief Executive Officer, Jila Panchayat Rajnandgaon, District Rajnandgaon, Chhattisgarh
4. Smt. Jaya Prabha Tripathi W/o Kishore Sharma, Shashkiya Purva Madhyamik Shala, Kohlatola, Block Chuikhadan, District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner

Shri Rahim Ubwani, Advocate

For Respondent-State

Shri Ashutosh Pandey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

06/12/2017

1. Petitioner is working as Lecturer (Panchayat) at Government Middle School, Dongargarh. By order dated 02.08.2016, he was transferred to Government Higher Secondary School, Bholapur, Block Chhuriya. This transfer order was assailed by the petitioner in WPS No.2290/2017, which was disposed of on 17.05.2017 observing that in the event, petitioner prefers a representation/appeal, the competent authority shall consider the

same on its own merits.

2. By order dated 17.07.2017, petitioner's representation has been rejected, however, without assailing the said order, the petitioner has again challenged the transfer order dated 02.08.2016 on the ground that the respondent No.4 is wrongly promoted and posted at Dongargarh.
3. In the present petition, the petitioner is not seeking any relief for cancellation of the promotion order of respondent No.4. It is now submitted that promotion of respondent No.4 to the post of Lecturer (Panchayat) has already been recalled. If that be so, the petitioner's main ground of challenge that respondent No.4 could not have been posted as Lecturer (Panchayat) in place of petitioner is no longer available to him. On other aspects concerning existence of administrative exigency, the Jila Panchayat, Rajnandgaon has dealt with the petitioner's representation by considering all relevant aspects while rejecting the representation. The Jila Panchayat has considered the number of students and the number of teachers available in both the schools so as to highlight the administrative exigency, which will be served in sending the petitioner to Bholapur, Block Chhuriya.
4. While considering the challenge to a transfer order which is issued on administrative exigency, this Court neither adjudicates nor considers the matter as if it is sitting in appeal over the order deciding the representation.

5. Considering the submission made by learned counsel for the petitioner and the contents of the order deciding representation, this Court is satisfied that the Authority has dealt with the representation in an objective manner, which need not be interfered in this petition under Article 226 of the Constitution of India. It is accordingly dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Nirala