

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7157 of 2017

- Gaurishankar Potai S/o Late Budhram Singh, Aged About 50 Years, R/o Village Bhoyna, Post Achhota, Tahsil and District Dhamtari, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Govt. Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh.
2. The Director, Directorate Of Public Instructions, Indrawati Bhawan, Naya Raipur Chhattisgarh.
3. The District Education Officer, District Dhamtari Chhattisgarh.
4. The Principal, Government Boys Higher Secondary School, Kurud, District Dhamtari Chhattisgarh.
5. The Block Education Officer, Block Kurud, District Dhamtari Chhattisgarh.

---- Respondents

For Petitioner
For Respondent-State

Shri K. Rohan, Advocate
Shri Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/12/2017

1. Challenge in this petition is to the order dated 14.08.2017, by which the petitioner has been transferred from Government Boys Higher Secondary School, Kurud to the Office of the District Education Officer on the ground of administrative exigency.

2. The ground raised by the petitioner is that the impugned order has been passed without any administrative exigency and as such the same is in violation of the transfer policy issued by the State Government.
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 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.
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