

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7198 of 2017

- Dr. Bhavna Royzada, W/o Dr. Avijit Royzada, Aged About 43 Years, Posted as Associate Professor, Department of Anesthesia Chhattisgarh Institute of Medical Science, Bilaspur District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Health And Family Welfare , Mahanadi Bhawan Mantralaya Naya Raipur District Raipur Chhattisgarh.
2. Director Medical Education, Government Of Chhattisgarh District Raipur Chhattisgarh.
3. Dean, Chhattisgarh Institute Of Medical Science , Bilaspur District Bilaspur Chhattisgarh.
4. Dr. Rakesh Kumar Nigam, Associate Professor, Department of Anesthesia, Government Medical College, Ambikapur, District Sarguja Chhattisgarh.

---- Respondents

For Petitioner
For Respondent-State

Shri Jitendra Pali, Advocate
Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/12/2017

1. Challenge in this petition is to the order dated 07.12.2017, by which the petitioner has been transferred from Bilaspur to Ambikapur 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 transfer order shall remain in abeyance and the petitioner shall be allowed to continue at CIMS, Bilaspur.
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

Nirala