

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 804 of 2017

I.P.Shrivastava S/o Shri M. P. Shrivastava, Aged About 52 Years
Posted As Principal, At Government Higher Secondary School,
Hangwa, Kondagaon, R/o Village Hangwa, Tahsil & District Kondagaon,
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District
Raipur, (Chhattisgarh)
2. Joint Secretary, School Education Department, Mantralaya, Mahanadi
Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. Director, Directorate Of Public Instruction, Indrawati Bahwan, 1st Floor,
Block C, Naya Raipur, District Raipur (Chhattisgarh)
4. Collector, Kondagaon, District Kondagaon, (Chhattisgarh)
5. District Education Officer, Kondagaon, District Kondagaon,
(Chhattisgarh)

..Respondents

For Petitioner	:	Mr. Mateen Siddiqui Advocate
For State	:	Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/02/2017

Heard on admission.

1. The petitioner has challenged the order dated 06.01.2017 by which, his earlier transfer order dated 30.07.2016 has now been kept in abeyance.
2. Learned counsel for the petitioner submits that the petitioner was transferred from Government Higher Secondary School Hangwa District Kondagaon at the option of District Education Officer Bilaspur. However, the petitioner was not relieved then, he filed a petition before this Court in which, the order was passed by this Court to relieve him unless the transfer order was kept in abeyance, varied or modified. When there was no variation, modification, the petitioner filed a contempt petition and only to save itself from

the contempt proceedings, the respondents have passed an order keeping in abeyance the transfer order. Learned counsel for the petitioner submits that there was no justification in keeping in abeyance the transfer order because no one has been posted in place of the petitioner.

3. This Court while disposing off the earlier petition had observed that if the transfer order of the petitioner is not kept in abeyance, varied or modified, the petitioner will have to be relieved. Thereafter, the impugned order has been passed. By impugned order, the transfer order has only been kept in abeyance, till date, the final decision is not taken. The State should decide this issue within a period of six weeks whether the transfer order should continue or it should be cancelled for any administrative exigency.

4. Subject to the aforesaid observation, I do not consider it necessary to interfere with the impugned order as it has only been kept in abeyance at the present stage.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge