

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.3908 of 2017

- Smt. Jayanti Rathore W/o Shri Shiv Kumar Rathore, Aged About 30 Years Lecturer (Panchayat) At Government Higher Secondary School, Jawalpur, Block Baloda, District Janjgir Champa, R/o Ward No. 16, Vidya Niketan, Janjgir, District Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural Development Department, Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh.
3. Juli Jain, Lecturer (Panchayat) Government High School Vyas Nagar, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/08/2017

Heard.

2. Learned counsel for the petitioner prayed for a direction to comply with the transfer order passed in favour of the petitioner on 28-05-2016. It is submitted that though there was a vacancy available, but some other employee was directed vide order dated 28-06-2017 to work against the vacant post, because of which, the petitioner is not getting proper posting.

3. The relief seeking by the petitioner in this petition cannot be granted unless order dated 28-06-2017 is quashed. Order dated 28-06-2017 is appealable order, which could be challenged by filing an appeal under the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995, as order has been passed by the Chief Executive

Officer, Zila Panchayat, therefore, the mandamus cannot be granted to the petitioner in this petition.

4. In view of aforesaid observation, this petition stands dismissed. The petitioner would be at liberty to challenge the order dated 28-06-2017 by filing an appeal.

5. Learned counsel for the petitioner submits that irrespective of decision in the aforesaid case, considering that the petitioner is claiming adjustment to a place where his husband is working or nearby place, alternatively, a direction may be issued to the respondents to consider posting of the petitioner at nearby place.

6. It will be open for the petitioner to move an application for amendment/modification of transfer order.

SD/-
(Manindra Mohan Shrivastava)
Judge