

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4685 of 2017

- Balram Yadav S/o Shri Ragunath Yadav, Aged About 54 Years R/o Sunder Nagar, Sitapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. District Education Officer, Kusmi, Ambikapur, District Surguja, Chhattisgarh
3. Block Education Officer, Kusmi, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sunil Otwani, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/09/2017

Heard.

2. Transfer order is under challenge on the ground that the petitioner's wife is posted as Rural Health Worker at the same place, where the petitioner is posted and the impugned transfer order was passed in violation of the transfer policy to keep husband and wife at the same place as far as possible.

3. Learned counsel for the petitioner submits that the petitioner has remained posted at the present place for last more than four years. If that be so, there is administrative exigency to transfer the petitioner without anything more. The transfer policy of the government to keep husband and wife at the same place or nearby place would be subject to administrative exigency and public

interest and it cannot be claimed as of right. Nevertheless, if an employee seeks consideration, it requires consideration by the competent authority subject to public interest whether petitioner could be posted at any other station nearby the station of posting of his wife. The petitioner has not preferred any representation.

4. If the petitioner submits representation along with a copy of this order within a period of 15 days from today before the respondent authority, the same shall be considered and decided within a period of four weeks from the date of receipt of a copy of this order. It is made clear that even if the transferring authority is not inclined to interfere with the order, upon consideration of representation, it will be open for the District Education Officer to post the petitioner at a place, which is nearby place of posting of his wife.

5. Accordingly, this petition is finally disposed off.

SD/-
(Manindra Mohan Shrivastava)
Judge