

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1536 of 2016**

- Ku. Alka Kushwaha D/o Shri Dashrath Prasad, Aged About 28 Years Presently Working On The Post Of Teacher Panchayat (Science Subject) Middle School Sontarai Tahsil Sitapur, District Surguja Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Thorough The Secretary, Department Of School Education Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat Ambikapur, District Surguja Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat Sitapur District Surguja Chhattisgarh
4. Block Education Officer, Sitapur, District Surguja Chhattisgarh
5. Hareshwar Paikra, Working On The Post of Teacher Panchayat (Science Subject) Middle School Sontarai Tahsil Sitapur District Surguja Chhattisgarh

---- Respondents

For Petitioner:	Mr. A.N. Pandey, Advocate
For State :	Mr. Gary Mukhopadhyay, Dy. Government Advocate
For Respondent No.2:	Mr. Satish Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.03.2017**

1. The grievance of the Petitioner is the impugned order Annexure P/7 whereby the service of the Petitioner has been transferred from Middle School, Block Sitapur to Middle School Khajuri, Block Ambikapur.
2. The sole contention of the Petitioner is that the Petitioner has been shown as surplus teacher in science while issuing the

impugned order. According to him Respondent No.5 who is junior to her should have been declared surplus teacher.

3. Learned Counsel for the Petitioner submits that the document Annexure P3 dated 08.06.2009 issued to the Respondent No.5 was the original transfer order to the Middle School Barpara but for want of vacant post at Barpara he had been transferred to Sontarai hence he should have been declared to be surplus. Whereas the Petitioner was already working at the said place. Thus prayed for quashment of the order.
4. Learned Counsel for the Respondent No. 2 however submits that the contention of the Petitioner being senior to Respondent No. 5 is incorrect in as much as the Petitioner has joined Middle School at Sontarai only on 06.07.2009 whereas Respondent No.5 has been transferred to Middle School Sontarai vide order dated 08.06.2009 and he has on the same date joined at Middle School Sontarai i.e. one month prior to the Petitioner.
5. The Petitioner has not been able to establish that the Respondent No. 5 was junior to the Petitioner at the Middle School Sontarai.
6. In view of the same this Court does not find any good reason for interfering with the impugned order. Accordingly the present Writ Petition Stands rejected.
7. However, the Petitioner would be at liberty to approach the authorities concerned for ventilating his grievance if he so chooses by way of representation.

Sd/-

(P. Sam Koshy)
JUDGE