

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 396 of 2017

(Arising out of order dated 04.09.2017 in WPS No.4442 of 2017 by the learned
Single Judge)

- Radheshyam Sahu S/o Late Shri Basant Ram Sahu, Aged About 57 Years Posted As Head Master, Government Middle School, Block Ramanujnagar, District Surajpur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh.
2. Director, Directorate Of Education, Indrawati Bhawan, Naya Raipur , Raipur Chhattisgarh.
3. Jaglal Sonwani, Head Master, Government Middle School, Binjhiyapara Tejpur Block Ramanujnagar District Surajpur Chhattisgarh.

---- Respondents

For Appellant : Shri Anoop Majumdar, Advocate
For the State : Shri UNS Deo, Government Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice
13.10.2017

- 1) We have heard the learned counsel for the appellant/writ petitioner and the learned Government Advocate for the State.
- 2) The petitioner and the third respondent were covered by orders dated 14.08.2017 as if they have applied for mutual transfer. Learned Single judge has rightly noted that there is no request of mutual transfer and it has also been noted that there is an apparent discrepancy since the number allotted to the orders appear to be the same. Keeping all that apart, the learned Single Judge declared that the impugned transfer is not a mutual transfer. Therefore, the petitioner would not be tied down to the

situation of having made an application and obtained the transfer on mutual consent. This, as a corollary, means that the petitioner will have the opportunity to make requisite representation for any relief which he may seek from the administration. Preserving the right of the appellant/writ petitioner to do so in terms of the Transfer Policy, this Writ Appeal is disposed of confirming the judgment of the learned Single Judge.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge