

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4407 of 2017

Rajendra Gupta S/o S/o Late R. P. Gupta, Aged About 57 Years Working As Steno Grade II, Office Of The District Education Officer District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantrayala, Naya Raipur, District Raipur Chhattisgarh
2. The Director, Directorate, Public Instructions, Chhattisgarh, Raipur, District Raipur Chhattisgarh.
3. The District Education Officer, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

Shri Manish Nigam, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2018

The challenge to the impugned transfer order dated 14/08/2017 is on the solitary ground that the petitioner is being transferred to a place where there is no post of Stenographer Grade II or any equivalent post to accommodate the petitioner.

2. In the return, para 8 of the submission, respondents have admitted the aforesaid factual position, on the basis of memo dated 30/11/2017 of the District Education Officer, Bilaspur that the place where the petitioner is being transferred, there is only one single post of Stenographer Grade III and no post of Stenographer Grade II is sanctioned.

3. In view of above, the impugned order is clearly illegal because a Government Servant cannot be posted on a post which is lower than the post which he is substantially holding in the public employment. This can be done only on penalty of revision to lower post and not by transferring.

4. Therefore, the petition deserves to be allowed and is accordingly allowed. The impugned order, in so far as transfer of the petitioner is concerned, is declared illegal and set aside. The petitioner shall be allowed to remain posted in the present place of posting. This order shall not come in the way of transferring the petitioner in accordance with law as and when occasion arises.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**

Deepti