

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.2340 of 2018

- Naresh Chouhan S/o Shri Kirit Lal Chouhan Aged About 29 Years Working As Teacher (Panchayat) At Govt. Middle School Akarjan, Block Khairagarh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Social Welfare Mahanadi Bhawan, Mantralaya New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Rajnandgaon, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. By this petition, the petitioner has assailed legality and validity of the transfer order dated 28-02-2018 declaring the petitioner as surplus.
2. Learned counsel for the petitioner submits that the petitioner has been wrongly declared as surplus and against the transfer order passed in this case, even though, there is alternative remedy, this Court had earlier interfered with the transfer order on the ground that the proceedings are being made at the fag end of year.
3. The petitioner has statutory remedy of filing an appeal. However, the petitioner appears to have approached this Court because he was wrongly declared surplus at the fag end. Whether in a given case, despite availability of alternative remedy, interference should be made, is essentially a matter of discretion to be exercised by the Court and no straight jacket formula can be laid down.
4. The petitioner has preferred representation in the present case. In these

circumstances, this Court is inclined to order that the representation of the petitioner may be considered and decided by the respondent authority within a period of 15 days. In case, the petitioner is still aggrieved, he would be at liberty to file an appeal.

5. Accordingly, this petition is finally disposed off.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E