

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5251 of 2018**

Uttam Kumar Porte S/o Shri Ramlal Porte, aged about 52 years,  
Head Master, Government High Primary School Jamhari, Block  
Narayanpur, District Narayanpur, Chhattisgarh

**---- Petitioner****Versus**

1. State of Chhattisgarh through Secretary, School Education  
Department, Mantralaya, New Raipur, Chhattisgarh
2. Collector, Narayanpur, Chhattisgarh
3. District Education Officer, Narayanpur, District Narayanpur,  
Chhattisgarh

**---- Respondents**


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| For Petitioner | : | Shri Ashwani Shukla, Advocate |
| For State      | : | Ms. Sunita Jain, P.L.         |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****21.08.2018**

Challenge in the present writ petition is to the change of posting  
dated 03.08.2018.

2. Contention of the counsel for the petitioner is that the office of the  
Collector, District Narayanpur on 11.04.2018 issued an order transferring  
the services of the petitioner from Mardel to Konge which the petitioner  
immediately complied with. Thereafter, another order was issued on  
16.07.2018 Annexure P-3 transferring the petitioner from Konge to Jamhari,  
Block Narayanpur. The petitioner immediately complied with the said order

of transfer also. Subsequently, the impugned order has now been issued on 03.08.2018 whereby the earlier order dated 16.07.2018 transferring the petitioner from Konge to Jamhari has been cancelled and the petitioner has been asked to report for duty at Govt. Higher Secondary School, Konge, Block Orchha.

3. Perusal of the record it appears that the earlier two orders dated 11.04.2018 and 16.07.2018 have already been complied with. Once when there is already an order of transfer/posting which stands complied with, the respondents could not have again issued an order cancelling the same or modifying at so short an interval. It appears that the petitioner in the past three months has been issued with more than 3 posting orders and there does not appear to be any strong administrative reason assigned for the change of posting of the petitioner being made at such short intervals.

4. Given the facts, this Court is of the opinion that the case of the petitioner falls within the ambit of the case of frequent transfer without any administrative exigency shown. As a consequence, Annexure P1 dated 03.08.2018 deserves to be and is accordingly set aside at the motion stage itself reserving the right of the respondents to issue a fresh order in the event of there being a strong administrative exigency.

**Sd/-  
P. Sam Koshy  
Judge**