

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5431 of 2018**

Ghanshyam Patra, aged about 51 years, S/o late Shri Dhaniram Patra, Head Master, Govt. High Primary School Dumartarai, 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

For Petitioner	:	Shri Ashwani Shukla, Advocate
For State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.08.2018**

Challenge in the present writ petition is to the change of posting dated 03.08.2018 Annexure P-1.

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 Dumartarai to Orchha which the petitioner immediately complied with. Thereafter, another order was issued on 30.06.2018 Annexure P-3 transferring the petitioner from Orchha to Dumartarai, 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 30.06.2018 has been cancelled and the petitioner has been asked to report for duty at Govt. Middle School, Orchha, Block Orchha.

3. Perusal of the record it appears that the earlier two orders dated 11.04.2018 and 30.06.2018 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 four 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 on such short intervals.

4. Given the facts, this Court is of the opinion that the case of the petitioner falls within the ambit of a 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 strong administrative exigency.

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