

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 5733 OF 2018**

1. Smt Akhtari Khan D/o Late Abdul Rasheed Khan Aged About 54 Years Working As Head Master At- Govt. Girls Hr. Sec. School, Beejapur, Block And District- Beejapur, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector O/o The Collector (Education) District- Beejapur, Chhattisgarh., District : Bijapur, Chhattisgarh
3. The District Education Officer Beejapur, District- Beejapur, Chhattisgarh.
4. The Principal Govt. Girls Hr. Sec. School, Beejapur, Block And District- Beejapur, Chhattisgarh., District : Bijapur, Chhattisgarh
5. Shri Brijlal Pujari Head Master, At- Govt. Girls Hr. Sec. School, Beejapur, District- Beejapur, Chhattisgarh., District : Bijapur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri R.K. Kesharwani, Advocate.
For Respondents-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04.09.2018.**

1. The grievance of the petitioner is the issuance of impugned order dated 31.07.2018 whereby the petitioner has been posted at Govt. Middle Girls Ashram, Keka, Block Bijapur.
2. The counsel for the petitioner submits that the petitioner was transferred by the State Govt. vide order dated 14.08.2017 where the name of the petitioner reflected at serial No.12 showed the petitioner to have been transferred to Govt. Girls Middle School Bijapur on own request. Vide the same order dated 14.08.2017, the respondent No.5 was also transferred from Bhairamgarh, Bijapur to Govt. Girls Higher Secondary School, Bijapur Block Bhairamgarh on administrative exigency but subsequently the respondent No.5 was also given posting at the same place where the

petitioner was posted i.e. at Govt. Girls Middle School, Bijapur. Against the said order the petitioner filed WPS No.5201 of 2017 which got disposed of vide order dated 14.11.2017 whereby the respondents have been directed to consider the grievance of the petitioner on a representation made by him. The impugned order now has been passed pursuant to the said direction of this court.

3. Learned counsel for the petitioner submits that the petitioner was originally posted at Govt. Girls Middle School, Bijapur as per order of the State Govt. and the Collector as such could not have changed the place of posting. Even otherwise, the subsequent development that has taken place is that the respondent No.5 has since been attached to the office of the District Education Officer and as such the place where the petitioner stood transferred vide order dated 14.08.2017 is still occupied by the petitioner and therefore there is no necessity for the change of posting of the petitioner as has been done vide Annexure P/1.
4. Given the factual matrix of the case, let the case of the petitioner be again scrutinized by the respondents No.2&3 in the light of the submissions made in the preceding paragraphs and an appropriate decision be taken by the respondents so far as posting of the petitioner is concerned at the earliest preferably within a period of 45 days from the date of receipt of certified copy of this order.
5. Meanwhile, let status quo as it exist today be maintained so far as posting of the petitioner is concerned.
6. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy
Judge