

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6810 of 2018**

Dr. L. N. Dubey S/o Late J. P. Dubey. Aged About 59 Years, Posted As Assistant Professor At Government Mata Shabri Naveen Girls College, Bilaspur District Bilaspur Chhattisgarh, R/o Sarkanda, Shivghat Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Joint Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For State	:	Shri Prafull N. Bharat, Additional Advocate General and Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10.10.2018**

The challenge in the present writ petition is to the order Annexure P-1 dated 01.10.2018 whereby the services of the petitioner have been transferred from Govt. Mata Shabari Naveen Girls College, Bilaspur to Govt. P.G. Collect, Ambikapur.

2. The primary contention of the petitioner is that the petitioner has been appointed as a Sector Officer in the upcoming election to be held in the month of November, 2018. Counsel for the petitioner referred to the

circular of the GAD dated 08.10.2018 so also the guidelines issued by the Election Commission of India dated 07.01.2017 whereby it has been held that the Officers who have been entrusted with election duty should be protected from being transferred during the election period.

3. Given the said fact, this Court is of the opinion that the petitioner subject to verification of the fact that he has in fact been assigned with the duty of a Sector Officer / any other election assignment stands protected under the circular of the State Govt. Accordingly, he would not be relieved till the election duties are over by the State Govt. The respondents would be free to relieve the petitioner in case need so arises after the election duty is over.

4. With the aforesaid observation, the writ petition stands disposed of.

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