

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6892 OF 2018**

Dr. Maya Shedpure W/o Shri Ramesh Kumar Shedpure Aged About 55 Years R/o Hig-I/84, Sector 1, Dindayal Upadhyay Nagar, Raipur District Raipur Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner Directorate Of Higher Education, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Election Commission Of India Through Chief Election Officer State Of Chhattisgarh, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Jitendra Pali, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt Advocate.
For Respondent No.3	:	Shri Rajeev Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.10.2018

1. The present petition has been filed challenging the order dated 05.10.2018 whereby the petitioner has been transferred from Raipur to Distt. Mahasamund.
2. Challenge is substantively on the ground that the petitioner has been assigned election duty and she has already undertaken training for election duty and that she would be in the normal course appointed as Sector Officer which stands protected under the circular of the Election Commission of India so also by the State Govt. till completion of the election proceeding. The second ground of challenge is that the impugned order of transfer reflects the status of the petitioner as Assistant Professor whereas, vide order dated 19.08.2006 itself the petitioner had been substantively promoted on the post of Professor and therefore the petitioner cannot be transferred on a lower post and it also amounts to a case of demotion.

3. So far as the first ground is concerned, this court is of the opinion that once when the petitioner has been sent on training for election duty and have already undertaken training, for all practical purposes, it is to be presumed that the petitioner has been assigned election duty. Therefore, the petitioner would stand protected under the circular of the State Govt. from being relieved till election duties are over. In view of the same, it is ordered that the petitioner shall remain at the present place of posting till the election duties are over.
4. So far as the second ground of the petitioner that the petitioner has been sent on lower post is concerned, let necessary instructions be taken by the State authorities and appropriate orders be passed ensuring that the status which the petitioner is enjoying in the present place of posting that of a professor is not disturbed or adversely affected even at the transferred place.
5. Accordingly, the petition stands disposed of.

Sd/-
(P. Sam Koshy
Judge