

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7979 of 2018

Smt. Tanuja Sahu D/o Devendra Kumar Sahu, aged about 32 years, working on the post of Stenographer office of District Education Officer, Dantewada, District South-Bastar (C.G.).

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department of School Education, Mahanadi Bhawan, Atalnagar, Raipur (C.G.).
2. The Collector, South Bastar, Dantewada (C.G.).
3. The District Education Officer, South Bastar, Dantewada (C.G.).

---Respondents

For petitioner	:	Shri A.N.Pandey, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/12/2018

1. The grievance of the petitioner in the instant Writ Petition is that the petitioner since has been transferred vide order dated 30/07/2016 from the office of the District Education Officer, Dantewada to the office of the District Education Officer, Dhamtari, but till date though more than 2 years have passed, the petitioner has not been relieved from her present place of posting i.e. Dantewada.
2. The counsel for the petitioner submits that, the petitioner has been making repeated efforts with the authorities by meeting them orally as well as by making representation, but the authorities have not relieved the petitioner.

3. The State counsel on the contrary draws the attention of the Court to the order of the District Education Officer, Dantewada who has expressed his inability to relieve the petitioner on account of the petitioner not having worked continuously for a requisite period of time before being transferred out.

4. Be that as it may, what is an admitted position is that the petitioner while working on the post of Stenographer under the respondent No.3 has been transferred from Dantewada to Dhamtari vide order dated 30/07/2016. Till date, the order of transfer has not been amended, modified or cancelled as contended by the petitioner.

5. Furthermore, the authority i.e. the respondent No.3 is not the competent authority to take a decision on the order passed by the State Government – Annexure-P/3 transferring the petitioner from Dantewada to Dhamtari, the transfer order has been passed by the competent authority under the State Government. The power to withhold the same, cancel the same or modify or rectify the same also lies with the same authority. The respondent No.3 who is lower in rank in the hierarchy in the department is not competent enough to take a decision not to implement the order of State Government and if at all if he has some hindrance & objection, he should have brought it to the notice of the State Government for passing an appropriate order. There does not seem to be any such order passed as is reflected from the Writ Petition.

6. Given the said facts and also taking note of the decision of judgment passed by this Court in the case of **Ms. Manisha Agrawal v. State of**

Chhattisgarh & Ors. [2015 4 CGLJ 182] this Court is of the opinion that there does not seem to be any good ground available with the respondents not to act upon an order of transfer in spite of it having been passed more than 2 years ago.

7. The instant Writ Petition thus stands disposed off with a direction to the respondents that in the event of the order of transfer dated 30/07/2016 not having complied with till date or the same having not being modified or amended or cancelled in any manner so far as the petitioner is concerned, the authorities should promptly take an appropriate decision relieving the petitioner from Dantewada to join her duties at Dhamtari.

8. Let this exercise be done within a period of 60 days from the date of receipt of the copy of this order.

9. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit