

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 8209 of 2018**

Meena Kumari Kanwar W/o Shri Prasad Kanwar, Aged About 29 Years,
 D/o Late Shri Balram Kanwar, Gramin Swasth Sanyojak (Female)
 Working At Up Swasth Kendra Hirri, Samudaik Swasth Kendra
 Baramkela, District - Raigarh, R/o Village Kalami, Post Dhanagar,
 District - Raigarh, Chhattisgarh. Pin 496551 Mb. 9301163935

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan Mantralaya, New Raipur, District - Raipur Chhattisgarh. Pin 492001
2. Secretary, Public Health Engg. Department, Mahanadi Bhawan Mantralaya, New Raipur, District Raipur Chhattisgarh. Pin 492001
3. Director, Health And Family Welfare Services, State Of Chhattisgarh, Indrawati Bhawan New Raipur, District - Raipur Chhattisgarh. Pin 492001
4. Chief Medical And Health Officer, Raipur, Tahsil And District Raipur Chhattisgarh. Pin 492001
5. Chief Medical And Health Officer, Raigarh, Tahsil And District - Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vijay K. Deshmukh, Advocate
For Respondent/State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/12/2018**

The petitioner seems to be more aggrieved by the order Annexure P-1 dated 02.07.2018 whereby the application of the petitioner for transferring her to the place where her husband is posted, has been rejected.

2. Prima facie, this Court is of the firm view that the said dispute is not one which could be entertained by the writ court in exercise of its power under Article 226 of the Constitution of India.

3. Counsel for the petitioner submits that for the last many years the petitioner has been making efforts with the respondents to consider her claim for being posted somewhere near Raipur where her husband is posted. However, the respondents vide Annexure P-1 have rejected her claim on the ground of non-availability of vacancy. Counsel for the petitioner drew the attention of the Court to certain documents which reflect that there are vacancies available in and around the place where the husband of the petitioner is posted.

4. Given the aforesaid submission made by the counsel for the petitioner, particularly the documents which the petitioner has obtained under the RTI Act showing that there is availability of vacancy, let the case of the petitioner be reconsidered as on the earlier occasion it was rejected only on the ground of non-availability of vacancy which means that, had there been vacancy, the petitioner could have been considered. Let the respondents reconsider the case of the petitioner for transferring her in and around the place where her husband is presently posted. Let this exercise be completed within a period of 4 months from the date of receipt of copy of this order.

5. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**