

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No 8321 of 2018**

Dr. Usha Tiwari W/o Shivprakash Tiwari Aged About 56 Years R/o Geetanjali Apartment, Sindhi Colony, Kasturba Nagar P. S. Civil Lines, Tehsil And District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh, Through The Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Police Station Rakhi, District Raipur, Chhattisgarh.

----Respondent

For Petitioner	:	Mr. Prateek Sharma, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/12/2018**

1. The challenge in the present writ petition is to the order dated 05.10.2018 whereby the services of the petitioner has been transferred from the Govt. P.G. College, Bilaspur to the Govt. Naveen College, Chirko, District Mahasamund.
2. The counsel for the petitioner raises two substantial grounds, firstly the petitioner being aged more than 56 years and according to the petitioner, as per the policy of the State Government itself, the persons/employees/officers, who have crossed the age of 55 years would not be transferred to the schedule areas. By the impugned order the petitioner is being sent to one of the schedule areas and which the respondents should not have done and the order thus is violative of the policy of the State Government in this regard.
3. Given the aforesaid factual matrix of the case which are arising out of the policy of the State Government, it is ordered that let the petitioner

make a detailed representation to the respondent No.1, who in turn taking into consideration the contentions raised by the petitioner, so far as the policy decision considering the age of the petitioner, shall pass a suitable order at the earliest preferably within a period of 60 days. Meanwhile the effect and operation of the impugned order so far as the petitioner is concerned, shall not be given effect to, if it has not till now been executed.

4. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved