

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 8342 of 2018

Dr. Vijay Laxmi Diwan W/o Dr. R.D.Diwan, Aged About 56 Years, R/o 116, Shyam Nagar, Ward No.17, Tilda-Nevra, District- Raipur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh.
2. Commissioner, Higher Education Directorate, Atal Nagar, Chhattisgarh, Raipur, District, Atal Nagar, Chhattisgarh, Raipur, District- Raipur, Chhattisgarh.
3. Joint Chief Election Officer, Office Of Chief Election Officer, Chhattisgarh, Shastri Chowk, Old Mantralaya Premises, Raipur, District- Raipur, Chhattisgarh.
4. Govt. Satyanarayan Agrawal, Arts And Commerce College, Kohka, Neora, Through Its Principal, Govt. Satyanarayan Agrawal, Arts And Commerce College, Kohka, Neora, District- Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Manoj Paranjpe, Advocate.
For State	:	Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2018

1. The challenge in the instant Writ Petition is to the order Annexure-P/1 dated 06/10/2018 whereby the services of the petitioner has been transferred from the Government College, Kohka, Neora, District Durg to the Government College, Antagarh, Kanker (C.G.).
2. The contention of the counsel for the petitioner is that, the said order of transfer has been issued with malafides and also on extraneous

consideration without there being any administrative exigency. He further drew the attention of this Court to a document obtained under the RTI by the petitioner which shows that there was some complaint lodged against the petitioner with the solitary intention of somehow transferring the petitioner out of her present place of posting. The said complaint had never been enquired upon and even if it is enquired upon, the petitioner has not been taken into confidence on the said complaint. He further relied upon the ground that the petitioner has been transferred to a place where there is no sanctioned post of Professor available. He further submits that, the petitioner has already made a representation to the respondent No.1 in this regard and the said representation is till dated pending. He further contended that, though the order was passed on 06/10/2018, but in view of the recent assembly election, the petitioner has till date not been relieved from her present place of posting.

3. Given the aforesaid factual matrix of the case and also knowing the limited scope of interference which the High Court can exercise in a case where the challenge is to an order of transfer, this Court is of the opinion that ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.1 to take a decision on the representation which the petitioner has made as expeditiously as possible preferably within a period of 45 days.

4. In addition to the representation, the petitioner would also be entitled to file a fresh representation along with other related documents which she intends to rely upon.

5. It is expected that, till the respondents take a decision on the representation, the status-quo as it exists today so far as the posting of the petitioner is concerned shall be maintained.

6. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit