

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1117 of 2019

Dr. Avinash Meshram S/o Late Shri T.R. Meshram, Aged About 53 Years, Working As Professor At Pathology Department, Late Shri Baliram Kashyap Smriti Government Medical College, Dimrapal, Jagdalpur, District Bastar Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. The Joint Secretary, Medical Education Department, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. The Dean, Late Shri Baliram Kashyap Smriti Government Medical College, Dimrapal, Jagdalpur, District Bastar Chhattisgarh.

---Respondents

For petitioner	:	Shri Vinod Deshmukh, Advocate.
For State	:	Shri Saleem Kazi, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/02/2019

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 05/02/2019 whereby the petitioner who is working as Professor at the Medical College, Jagdalpur stands transferred to the Medical College, Bilaspur.
2. The contention of the counsel for the petitioner is that, the order of transfer is contrary to the transfer policy of the State Government in as much as under the transfer policy presently in force, there is a condition which states that the persons who are working in a Scheduled Area should not be

disturbed on administrative ground as long as there is no complaint against such Government servants.

3. Moreover, it is also the contention of the petitioner that, the requirement of the transfer policy is that, when such transfers are made, the authorities also have to certify that the condition of the transfer policy has been duly adhered.

4. The further ground of challenge of the petitioner is that, the spouse of the petitioner is also working as an Assistant Professor at Medical College, Jagdalpur and she has not been transferred and she continues to work at Jagdalpur and it is only the petitioner who has been transferred which again is in contravention to the transfer policy.

5. Lastly it was submitted by the petitioner that, the order of transfer has been made in the mid-session particularly when the exams season are in full swing and therefore at this juncture shifting of the petitioner could be detrimental to the educational career of their childrens.

6. Given the facts and circumstances of the case, let the petitioner make a detailed representation to the respondent No.1 within a period of 10 days from today and on such representation being filed, the respondents shall reconsider the order of transfer so far as the petitioner keeping in view the conditions attached to the transfer policy and also other circulars particularly the circulars regarding posting of spouses at one station as far as possible within an outer limit of 90 days.

7. Meanwhile, the effect and operation of the impugned order so far as the petitioner is concerned shall remain stayed.

8. The Writ Petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit