

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1585 of 2019

Dinesh Kumar Kaushik S/o Late Shri N.S. Kaushik Aged About 54 Years Working As District Education Officer, Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Atal Nagar, Raipur Chhattisgarh.
2. Director Department Of Public Education, Raipur Chhattisgarh.
3. Collector District Janjgir Champa Chhattisgarh.
4. Divisional Joint Director (Education), Bilaspur Chhattisgarh.
5. Kunjal Singh Tomar Working As Dy. Director, Currently Posted As Principal, District Dhamtari Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Vaibhav Shukla, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/03/2019

1. The challenge in the present writ petition is to the order of transfer dated 26.02.2019, whereby the petitioner has been transferred from Janjgir-Champa to Bastar.
2. The counsel for the petitioner referring to the Chhattisgarh School Education State Council of Educational Research and Training (SCERT) and its Subordinate Institutions (Gazetted) Service Recruitment Rules, 2013 submitted that the post where the petitioner is being sent on transfer is a post, which is otherwise to be sent on deputation.

3. In the instant case, no consent of the petitioner, nor any consent from the parent Department/borrowing Department had been sought for by the respondents before issuing the order of transfer. According to the counsel for the petitioner, since the post, where petitioner is being transferred is one that of deputation, though the impugned order does not reflect that, but the rules definitely do so, the impugned order is bad to that extent.
4. Given the said submission, this Court is of the opinion that let the petitioner make a detailed representation to the respondent No.1 within a period of 15 days from today supported with all relevant documents, and the respondent No.1 in turn shall consider the contents of the representation and also decide the grievance of the petitioner, so far as aspect of deputation is concerned, within a period of 90 days from the date of receipt of the representation and till the representation is decided by the respondent No.1, it is ordered that the effect and operation of the impugned order Annexure P/1, so far as the petitioner is concerned, shall remain stayed.
5. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge