

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 1532 of 2019**

R.P. Aditya S/o Late Shri B.P. Aditya Aged About 54 Years Working  
As District Education Officer, Raigarh, District Raigarh Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department, Department Of School Education, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Under Secretary Department, Department Of School Education, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. Director Directorate Of Public Education, Indravati Bhawan, Atal Nagar, Raipur Chhattisgarh.
4. Shri Manindra Shrivastava, Working As Principal, DIET Narayanpur, District Narayanpur, Chhattisgarh.

**---Respondents**

|                |   |                               |
|----------------|---|-------------------------------|
| For Petitioner | : | Mr. A.S. Kachhawaha, Advocate |
| For State      | : | Ms. Sunita Jain, G.A.         |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**05/03/2019**

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 the post District Education Officer, Raigarh to the Principal of DIET, Narayanpur.
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 the petitioner has been sent on deputation, but the rules definitely do so, hence 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. 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. It is ordered that 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**