

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5335 of 2019**

Chainu Ram Mourya S/o Shri Chhendiya Ram Mourya, Aged About 35 Years, Working As Assistant Teacher (L.B.) At Govt. Primary School Sivni, Block-Baster, District- Baster At Jagdalpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. The Collector, Baster, District- Baster At Jagdalpur, Chhattisgarh
3. District Education Officer, Baster, District- Baster At Jagdalpur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.07.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 12.07.2019 whereby the petitioner has been reflected as Teacher (LB) posted at Block Bastar and has been transferred to Block Lohandiguda.
2. The only ground of challenge to the order of transfer is that the petitioner has been shown as Teacher (LB) whereas he is an Assistant Teacher. According to the petitioner, since he is a non-

graduate, he can be posted only in a primary school and he cannot be posted in a middle school.

3. If the contention of the petitioner is to be believed and accepted, the impugned order appears to be technically faulty so far as the petitioner is concerned.
4. Given the aforesaid fact, let the respondent no.2 verify the contention that the petitioner has made and ensure that appropriate modification is made to the order of transfer accordingly. Till the respondent no.2 verifies the contention of the petitioner and takes a fresh decision, the petitioner would be retained at the present place of posting.
5. The writ petition accordingly stands allowed to the extent that the impugned order so far as the petitioner is concerned stands set aside/quashed reserving the right of the respondent no.2 to pass a fresh order subject to verification of the facts.

**Sd/-
P. Sam Koshy
Judge**