

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5350 of 2019

1. Lakhpati Sethiya, S/o Late Narayan Sethiya, Aged About 46 Years, Presently Working As Assistant Teacher (L.B.) At Govt. Primary School Bhaijapadar, District Baster At Jagdalpur Chhattisgarh

---- Petitioner

Versus

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

---Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate.
For State	:	Mr. Arvind Dubey, Panel Lawyer.

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 of transfer dated 12.07.2019 passed by the Respondent No. 02 transferring the petitioner from the Government Primary School, Bhaijapadar, Jagdalpur to the Government Primary School, Durkiguda Block: Darbh, District: Baster.
2. The challenge in the transfer order is on the ground that, the impugned order reflects transfer of the petitioner to have been made at the request of the petitioner.

3. According to the petitioner, he has never moved an application nor has he requested any order of transfer, yet the authorities have shown the order of transfer to have been on its own cost.
4. Given the limited grievance that, the petitioner has raised challenging the order of transfer, this Court is of the opinion that subject to verification of the fact that whether the petitioner has made a request for transferring the impugned order, so far as the petitioner is concerned, shall not be given effect to. However, in case on verification it is found that the petitioner has infact made a request then the impugned order would not stand interferred and the respondents would be at liberty to relieve the petitioner from the present place of posting. Meanwhile, till the verification is done, the effect and operation of the impugned order, so far as the petitioner is concerned, shall not be given effect to.
5. The another aspect which has been raised by the petitioner, at this juncture is that, the present place of posting the petitioner has joined only around 11 days ~~days~~ back ie., on 01.07.2019. Thus, this aspect would also be borne-in-mind by the Respondent No. 02 while passing a fresh order.
6. The present Writ Petition, accordingly stands disposed off.

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