

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5448 of 2019**

- Motilal Pandey S/o R. D. Pandey Aged About 55 Years Occupation Service, Presently Posted As Assistant Grade-II, Government Girls Higher Secondary School Janakpur, Tahsil Bharatpur, District Koriya Chhattisgarh, R/o Lal Bangla Colony, Janakpur, Tahsil Bharatpur, District Koriya Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, School Education Department Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh
2. Director Directorate Of Public Instructions, 1st Floor, 3rd Block, Indrawati Bhawan HOD Building, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh
3. Collector And District Magistrate Korea District Korea, Baikunthpur Chhattisgarh
4. District Education Officer Baikunthpur, District Korea Chhattisgarh

---- Respondents

For Petitioner : Shri Rajeev Shrivastava, Advocate

For Respondents/State : Shri P. Acharya, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/07/2019**

1. Heard.
2. Challenge in this petition is to the transfer order dated 12.07.2019 whereby the petitioner has been transferred from Government Girls Higher Secondary School Janakpur, Bharatpur to Higher Secondary School Udhanpur, Khadgawan.
3. Learned counsel for the petitioner would submit that the petitioner has been

subjected to frequent transfer in between the period 2014 to 2016 and in the year 2014 he was transferred from Government Higher Secondary School, Devgard, Tahsil Bharatpur to Government Girls Higher Secondary School, Janakpur, Tahsil Bharatpur. Thereafter, in the year 2016 from Government Girls Higher Secondary School, Janakpur, Tahsil Bharatpur to Government Higher Secondary School, Bahrasi, Tahsil Bharatpur. Thereafter, again in the year 2016 from Bahrasi to Bharatpur. Thereafter, on 08.02.2018 he was transferred from Bharatpur to Government Girls Higher Secondary School, Janakpur and within a period of one year again the petitioner has been transferred from Government Girls Higher Secondary School, Janakpur, Tahsil Bharatpur to Higher Secondary School, Udhnapur, Khadgawana. He would further submit that the frequent transfer of the petitioner is affecting the studies of the children of the petitioner and there is no administrative exigency exists in transferring the petitioner, therefore, he prays that since the petitioner has been subjected to frequent transfers, the transfer of the petitioner may be canceled.

4. Perusal of the documents attached with the petition would show that in the year 2014 the petitioner was transferred from Government Higher Secondary School, Devgard, Tahsil Bharatpur to Government Girls Higher Secondary School, Janakpur, Tahsil Bharatpur. Thereafter, in the year 2016 from Government Girls Higher Secondary School, Janakpur, Tahsil Bharatpur to Government Higher Secondary School, Bahrasi, Tahsil Bharatpur. Thereafter, again in the year 2016 from Bahrasi to Bharatpur. Thereafter, on 08.02.2018 he was transferred from Bharatpur to Government Girls Higher Secondary School, Janakpur and within a period of one year by this impugned order dated 12.07.2019, the petitioner has been transferred from Government Girls Higher

Secondary School, Janakpur, Tahsil Bharatpur to Higher Secondary School, Udhnapur, Khadgawana. Considering the past transfers of the petitioner, which shows that the petitioner initially was transferred in the year 2018 itself to Janakpur again he has been transferred to Khadgawan in the year 2019, in view of this, considering the background of this case, the petitioner is given a liberty to make representation before the committee which is constituted by the State Government to hear the grievance against transfers. Therefore, it is directed that the petitioner shall file his representation before the committee within a period of two weeks from today and on such representation being filed, the committee shall decide the same within a period of 45 days from the date of receipt of the representation.

5. Till the decision is made on the representation of the petitioner, there shall be stay of the transfer order with respect to the petitioner.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge