

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5606 OF 2019**

Sheshmani Kushwaha S/o Shri Gorakh Prasad Kushwaha Aged About 35 Years Presently Posted As Teacher (L.B.) At Government Middle School Chantidih Block Bilha District Bilaspur, R/o H.No. 37, Vaishnavi, Vihar, Phase - I, Uslapur, Bilaspur District Bilaspur Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Collector Bilaspur District Bilaspur Chhattisgarh.
3. District Education Officer Bilaspur, District Bilaspur Chhattisgarh.
4. Smt. Sahina Shahnaj Teacher (L.B.) Government Middle School Ameri (Akbari) Block Bilha District Bilaspur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Ashutosh Mishra, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****31.07.2019**

1. The petitioner in the present writ petition is aggrieved by the order dated 18.07.2019, whereby the petitioner has been transferred from Govt. Middle School Chantidih, Block Bilha to Govt. Middle School Ameri, Block Bilha, District Bilaspur (CG).
2. Learned counsel for the petitioner submits that at the present place of posting there are three sanctioned post of Science subject and out of that, the petitioner is the only one person who is teaching Science subject. He further submits that if the petitioner is transferred then there would be no science teacher at the present place of posting. The said transfer order has been issued in contravention of clause 1.6 of the transfer policy of the State dated 27.06.2019, according to which, in case of deficit in cadre strength occurs from transfer, the person may not be transferred. Thus, prayed for setting aside of the impugned transfer order dated 18.07.2019.

3. Learned counsel for the petitioner submits that the petitioner may be given liberty to make a representation to the Committee which has been constituted by the State Govt. vide order dated 11.07.2019, wherein the grievance of the transfer is being heard and till the representation of the petitioner is decided, the transfer order may not be made effective.
4. Perused the document Annexure P/3 issued by the Principal, Govt. Higher Secondary School, Chantidih, which shows that there are three post exist for Science subject in the said School out of which only one post is filled up. If the said Teacher is also transferred elsewhere, there would be no Science Teacher in the said School.
5. Considering the document Annexure P/3 and also clause 1.6 of the transfer policy dated 27.06.2019 and further taking into consideration the fact that one Grievance Redressal Committee to hear transfer has already been constituted by the State, it is directed that the petitioner may make a representation before the Committee within a period of 10 days from today and the Committee may decide the case of the petitioner within a further period of 45 days from the date of representation of the petitioner. Till the representation of the petitioner is decided, the transfer order of the petitioner would not be given effect to, if already not executed.
6. It is further made clear that this Court has not made any observation on the merits of the transfer order. The Committee as has been constituted vide order dated 11th July, 2019 shall be free to take a decision with respect to the representation of the petitioner.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge