

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5890 of 2019

Rakesh Pandey S/o Shri Onkar Pandey Aged About 42 Years Working As Assistant Teacher (L.B.) At Government Primary School, Khanda, Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector, Office Of Collector And District Magistrate, Baikunthpur District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Rajesh Kumar Gupta Assistant Teacher (L.B.), Primary School Jaliyadand, Baikunthpur District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07/08/2019

1. The challenge in the present writ petition is to the order of transfer dated 12.07.2019, whereby the petitioner has been transferred from Primary School, Khanda, Baikunthpur to Primary School Geji, Khadgawa.
2. The two grounds of challenge is that the petitioner firstly is a protected employee being an office bearer of recognized union. According to the petitioner he is the District Level General Secretary of the Chhattisgarh Panchayat/Nagariy Nikay Shikshak Sangh, District Korea being elected to the such post in August, 2016, thus he falls within the protected category under the transfer policy of the State Government and he could not have been transferred.

3. Secondly, the wife of the petitioner is also a government employee posted at Baikunthpur, therefore the petitioner should have been accommodated at the same place as far as possible.
4. Given the said facts, let the petitioner make a detailed representation to the respondent No.2 within a period of 10 days from the date of receipt of the copy of this order and the respondent No.2 in turn shall verify the contents of the representation and take an appropriate decision at the earliest preferably within a further period of 45 days from the date of receipt of representation.
5. Till then the representation is decided, there shall be a stay of the effect and operation of the impugned order, so far as the petitioner is concerned.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved