

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5614 OF 2019**

Satyajyoti Mahilange S/o Late Shri Ramadhar Mahilange Aged About 37 Years Assistant Teacher Posted At Primary School, Bhalu Satka, Tahsil And District Korba Chhattisgarh, and in Charge Academic Co-Ordinator Of Sankul Jhagarha, Block - Korba Tahsil and District Korba Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Police Station and Post Rakhi, Atal Nagar Raipur Chhattisgarh.
2. Collector Korba, District Korba Chhattisgarh.
3. District Education Officer Korba, District Korba Chhattisgarh.
4. State of Chhattisgarh Through Secretary, General Administration Department, Mahanadi Bhawan, Secretariat Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
5. Dhanesh Kumar Pankaj Assistant Teacher LB, Posted At Primary School, Podiya Ghat, Block Korba, District Korba Chhattisgarh.
6. Saraswati Manikpuri Assistant Teacher, LB, Posted At Primary School, Bhalu Satka, Tahsil and District Korba Chhattisgarh, Presently Attached In The Primary School (PWD), Rampur, District Korba Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Awadh Tripathi, Advocate.
For Respondent-State	:	Shri Anshuman Shrivastava, Panel Lawyer.

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 12.07.2019, whereby the petitioner has been transferred from Primary School, Bhalu Satka, Tehsil and District Korba to Primary School, Korhiyaghat, Korba.
2. Learned counsel for the petitioner submits that the respondent No.6 is an an additional (Excess) Teacher and inspite of her posting at petitioner's place i.e. at Bhalu Satka, she has been attached at Primary School Rampur and in petitioner's place, the respondent No.5 has been accommodated. Therefore, the said order is passed with a malafide intention only to accommodate respondents No.5&6.

3. The counsel for the petitioner submits that distance between the two place is 100 KM. The mother of the petitioner is 100 percent disabled, therefore, 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 documents and also the disability certificate of the mother of the petitioner which shows that she is 100 percent disabled. Further considering the fact that the respondent No.6 has been stated to be an additional teacher who has been posted at Bhalu Satka and attached at Rampur, and also taking into consideration the fact that one Committee has already been constituted by the State, it is directed that the petitioner may make a representation along with all relevant documents 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.
5. It is further made clear that this Court has not made any observations 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.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge