

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5761 of 2019**

Santosh Kumar Nishad S/o Late Laxman Kumar Nishad, Aged About 31 Years, Occupation - Clerk, R/o Bonda, Tahsil - Baramkela, District - Raigarh Chhattisgarh. Posted At Government Higher Secondary School, Sonbersa, Tehsil – Kharsiya, District – Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhavan, Naya Raipur, Raipur Chhattisgarh
2. Collector, Raigarh, District Raigarh, Chhattisgarh
3. District Education Officer, Raigarh, District Raigarh, Chhattisgarh
4. Principal, Government Higher Secondary School, Sonbersa, Tehsil – Kharsiya, District – Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sanjay Agrawal, Advocate
For State	:	Mr. Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.08.2019**

1. The challenge in the present writ petition is to the order of transfer dated 12.07.2019 passed by the respondents transferring the petitioner from Govt. Higher Secondary School, Sonbersa, District Raigarh to Govt. Higher Secondary School, Khadgaon, Dharmjaigarh.
2. The challenge to 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 counsel for the petitioner, the petitioner has never moved any application nor has 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 transfer, the impugned order so far as the petitioner is concerned, shall not be given effect to. However, on verification if it is found that the petitioner has in fact made a request, then the impugned order would not stand interfered 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 present Writ Petition, accordingly stands disposed off.

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