

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6315 of 2019**

Laxmikant Pandey S/o Shri G. P. Pandey Aged About 44 Years Assistant Teacher (L.B.) Govt. Primary School Dhaneli Block- Navagarh, District- Jangir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary To The Govt. Of Chhattisgarh, Department Of School Education, Mantralya, Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. District Education Officer Janjgir, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. District Education Officer Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. D. Shrivastava, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG

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

22/08/2019

1. The challenge in the present writ petition is to the order Annexure P-1 whereby the petitioner has been transferred from Government Primary School, Dhaneli, Block Nawagarh to the office of District Education Officer, Sakti.
2. Contention of the petitioner is that the said order is contrary to the transfer policy as also the same is impermissible under service rules governing the petitioner. According to the petitioner he is a district level employee and

petitioner was working under the District Education Officer, Janjgir-Champa. Therefore, he could not be transferred under the District Education Officer, Sakti as the department accepts two as separate district wise cadre and petitioner would unless he gives an option to remain as an employee under the District Education Officer, Janjgir Champa. Further contention of the petitioner is that promotional avenues of the petitioner would also get adversely affected.

3. At the outset, this court is of the opinion that impugned order does not warrant any interference for the reason that distance between the two place of posting of the petitioner is too short a distance for causing any inconvenience to the petitioner in the course of complying with the order of transfer.
4. Another aspect which cannot be lost sight of is that the two place where the petitioner was presently working and where he has now been posted both fall within the same revenue district of Janjgir-Champa.
5. Deputy Advocate General appearing for the State submits that he has instructions to make a statement that seniority of the petitioner would not get adversely affected in course of petitioner complying with the order of transfer and that he would be given seniority that he was enjoying at the present place of posting.
6. The Supreme Court in the case of **Union of India and Others v. Janardhan Debanath and another, (2004) 4 SCC 245**, in paragraph 13 has held as under :-

“13. Additionally, it was pointed out by learned counsel for the Union of India that as indicated in the special leave petition itself there was no question of any loss of seniority or promotional prospects. These are the aspects which can be gone into in an appropriate proceeding, if at all there is any adverse order in the matter of seniority or promotion.”

7. Given the said facts and circumstances of the case, this Court is of the opinion that the impugned order does not warrant any interference and same stands rejected.
8. Accordingly, the writ petition being devoid of merits stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit