

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6325 of 2019

1. Praveen Kumar Sharma, S/o Shri Ram Bhagwan Sharma, Aged About 35 Years, Posted As Assistant Teacher (L.B.) Primary School, Mudhipar, Rajnandgaon, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Education Department, Mahanadi Bhawan, Atalnagar, District- Raipur, Chhattisgarh
2. Collector, District- Rajnandgaon, Chhattisgarh
3. District Education Officer, District- Rajnandgaon, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, District- Rajnandgaon, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Anoop Majumdar, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.08.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 12.07.2019, whereby the petitioner has been transferred from Govt. Higher Secondary School, Station: Mudipar, Rajnandgaon to Govt. Higher Secondary School, Baagur, Chuikhadan. In addition, the petitioner is also challenging the impugned order on the ground that the transfer policy extends certain protection in case where the husband and wife are in government employment.

2. According to the petitioner, his wife is already in government employment and is posted at Sub Health Centre, Bodegaon, Block: Manpur, District: Rajnandgaon and has been transferred to Sub Health Centre, Khursipar, Block: Dongargaon, District: Rajnandgaon, the place where the petitioner is presently posted and the respondents ought to have considered to accommodate the petitioner as far as possible at the same place.
3. The contention of the petitioner is that, he is also a Block Secretary of the Chhattisgarh Panchayat Evam Nagariy Nikay Shikshak Sangh and therefore he falls within the category of protected employee from being transferred.
4. Given the aforesaid facts and circumstances of the case, let the petitioner make a representation to the Respondent No. 2 in this regard within a period of 10 days and the Respondent No. 2 in turn shall consider and decide the representation, keeping in view the transfer policy of the State, particularly the protection which has been extended to the office bearers of the different unions.
5. Till the representation is decided by the Respondent No. 2, there shall be the stay of the effect and operation of the impugned order, so far as the petitioner is concerned.
6. Accordingly, the present Writ Petition stands disposed off.

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