

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 480 of 2019**

*{Arising out of order dated 07.08.2019 passed by the learned Single Judge in Writ
Petition (S) No. 5876 of 2016}*

- Hari Shankar Gupta, son of Kameshwar Prasad Gupta, aged about 58 years, posted at Government Middle School Sontarai, Block Udaipur, District Surguja (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh, Through the Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (C.G.)
2. Collector, Ambikapur, District Surguja (C.G.)

---- Respondents

For Appellant	:	Shri Sumit Singh Rathore, Advocate.
For Respondents/State	:	Shri Sudeep Verma, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Judgment on Board****Per P. R. Ramachandra Menon, Chief Justice****17.10.2019**

1. Challenge is against the judgment passed by the learned Single Judge declining to interfere with the transfer order Annexure P/1 dated 12.07.2019, whereby the service of the Petitioner has been transferred from the Government Middle School, Sontarai, Block Udaipur, District Surguja (C.G.) to the Government Middle School, Kot, Block Mainpat, District Surguja (C.G.).
2. The learned counsel for the Appellant submits that the merit of the case has not been considered and the transfer order has been passed in violation of the

dead line. It is pointed out that the Appellant is likely to suffer in view of the fact that he has been transferred to a place where already one teacher in surplus is working, which may adversely effect the right of the Appellant to draw the salary as well.

3. On going through the verdict under challenge, it is seen that the matter was disposed off based on the submission made on the part of writ Petitioner, that Petitioner would be satisfied, if liberty was given to prefer a representation before the Respondents raising all the relevant grounds and to have it decided as expeditiously as possible. It was accordingly, that the matter was disposed off with liberty to the Petitioner to prefer detailed representation before the Respondents with regard to the transfer, simultaneously directing the Respondents to have it finalized as expeditiously as possible, it being a case of transfer. Form the above, it is quite evident that it is an agreed order and as such, the Appellant is not justified in taking 'u-turn' to have it challenged by filing an appeal.
4. We do not find any merit. Interference is declined. Appeal is dismissed without prejudice to the rights as already granted by the learned Single Judge.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge