

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6748 of 2019

1. Vinod Kumar Gupta, S/o Late Amar Dev Gupta, Aged About 55 Years, R/o Bhanoura, Balrampur, District : Balrampur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan Mantralaya, Capital Complex, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. Secretary, Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
3. Director, Public Education, Directorate Indrawati Bhawan, Naya Raipur, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
4. Manohar Lal Jaiswal, Lecturer, Government Higher Secondary, School, Raghunath Nagar, Block: Wadrafnagar, District Balrampur- Ramanujganj Chhattisgarh

---Respondents

For Petitioner	:	Mr. Manoj K. Paranjpe, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

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

11.09.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 21.08.2019, whereby the petitioner has been transferred from Government Girls Middle School, Balram and also holding the Additional Charge of Assistant District Project Officer (RMSA) to

Government Girls Primary Middle School, Rajpur, Block:Rajpur,
District: Balrampur, (C.G.).

2. The contention of the petitioner is that, the petitioner was appointed in the Education Department and now vide the impugned order, the petitioner is being sent to a school which is otherwise under the Tribal Department, which otherwise could not have been done by State Government as per their own policy.
3. The petitioner during the course of hearing today produced a correspondence made by the Collector, District: Balrampur, Ramanujganj dated 05.09.2019, whereby the Collector has made recommendation for cancellation of the petitioner's transfer as the same has got erroneously listed in the transfer order for the reason that, the petitioner could not have been transferred from the school under the Education Department to the school under the Tribal Department.
4. Given the aforesaid recommendation made by the Collector dated 05.09.2019. The present Writ Petition itself stands disposed off directing the Respondent No. 1 to take appropriate decision on the said recommendation made by the Collector vide his/her letter dated 05.09.2019.
5. Till the State Government takes a final decision on the recommendation made by the Collector. The effect and operation of the impugned order shall remain stayed, so far as the petitioner is concerned.

6. The petitioner is directed to apprise the Respondent No. 1 as well as the other authorities, so far as the Order passed by this Court is concerned.
7. Accordingly, the present Writ Petition stands disposed off.

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