

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 6673 OF 2019**

Rajendra Tiwari, S/o Late Shri Tarachand Tiwari, aged about 55 years, R/o Jagdamba Colony, Seepat Road, Sarkanda, Bilaspur, Police Station Sarkanda, District Bilaspur (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Department of School Education, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, District Raipur (CG)
2. Director, Department of School Education, Indravati Bhawan, Nawa Raipur, District Raipur (CG)
3. District Education Officer, Department of School Education, District Bilaspur (CG)

Respondents

For Petitioner	:	Mr. S.P. Kale, Advocate
For Respondent-State	:	Mr. Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/08/2019

1. Challenge in the present writ petition is to the order of transfer dated 21.8.2019 whereby the petitioner has been transferred from the Legal Cell, Bilaspur, District Bilaspur to Government High School, Bhurkunda, Block Masturi, District Bilaspur.
2. Challenge to the transfer order is on the ground that the impugned order reflects the transfer of the petitioner to have been made on his own option.
3. According to counsel for the petitioner, the petitioner has never moved any application nor has requested for any order of transfer, yet the authorities have shown the transfer of the petitioner to have been made on his own option.
4. Given the aforesaid facts, let the petitioner within 10 days from today make an appropriate representation to respondent no.2 who in turn shall consider and decide the same as expeditiously as possible preferably within a period of 30 days from the date of receipt of representation.
5. However, if on verification it is found that the petitioner has never made any such request for transfer, the impugned order so far as the petitioner is concerned shall not be acted upon, reserving the right of the respondent-State to take appropriate decision at a later stage on administrative exigency.

6. That, on verification if it is found that the petitioner has in fact made a request, then the impugned order would not stand interfered with and the respondents would be at liberty to relieve the petitioner from the present place of posting.
7. Till the representation is decided, the effect and operation of the impugned order of transfer shall remain stayed so far as the petitioner is concerned, subject to verification of fact whether the petitioner has made a request for his transfer or not.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

/Sharad/