

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6773 of 2019

1. Pramod Kumar Pandey, S/o Late Shri Sanath Kumar Pandey, Aged About 50 Years, Occupation Head Master Middle Halbakot, Tahsil And Block Jagdalpur, District: Bastar, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary School Education Department Mahanadi Bhawan, Atal Nagar District Raipur, Chhattisgarh
2. The Collector, Bastar, Jagdalpur, District Bastar, Chhattisgarh
3. The District Education Officer, Bastar, Jagdalpur, District Bastar, Chhattisgarh
4. Smt. Anjum Mirza Baig, Head Mistress Middle School, Bhaisbandha, Presently Transferred To Middle School Halbakot, Tahsil And Block Jagdalpur, District: Bastar, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. Adv. Gen.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.09.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 03.07.2019, whereby the petitioner has been transferred from Middle School, Halbokot, Block: Jagdalpur to Middle School, Badepara, Balenga, Block: Bastar, (C.G.)
2. The challenge in the order of transfer is only on the ground that the petitioner has been disturbed showing him to be a surplus at the present place of posting, whereas a specific order of the petitioner being substantively posted at the said school, vide the order

Annexure P-4 dated 19.02.2018, which is an amended/modified order to the original order of transfer order dated 15.12.2017.

3. Given the aforesaid facts and circumstances of the case, particularly considering the ground that the petitioner has raised that he is not a surplus staff at the present place of posting, subject to verification of the fact by the competent authority.
4. Let the petitioner make a detailed representation to the respondent within a period of 10 days from the date of receipt of copy of this order and the respondent shall consider the same within a period of further 45 days from the date of receipt of representation of the petitioner.
5. Till the representation of the petitioner is decided, there shall be stay of the effect and operation of the impugned order (Annexure P-1) including the relieving order, if any, so far as the petitioner is concerned.
6. Accordingly, the present Writ Petition stands disposed off.

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