

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6897 of 2019

Sanjeev Sharma S/o Dr. T. D. Sharma Aged About 55 Years Working As Physical Training Instructor At District Institute Of Education And Training (DIET), Jashpur District Jashpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through its Secretary, School Education Department, (T Cadre), Mantralaya, Mahanandi Bhawan, Nava Raipur District Raipur Chhattisgarh
2. District Education Officer Office Of The District Education Officer, Jashpur, District Jashpur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate
For State	:	Mr. Jitendra Pali, Dy. A. G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/09/2019

1. The Challenge in the present writ petition is to the two orders dated 21.08.2019, 22.08.2019, vide (Annexure P-1), the petitioner has been transferred from District Institute of Education & Training (DIET), Jashpur to Govt. Girls Higher Secondary School, Godripara Block Khadgawa, District Korea and (Annexure P-2), the petitioner has been shown again transferred from District Institute of Education & Training (DIET), Jashpur, to District Education Officer, Korea.
2. The contention of the counsel for the petitioner is that the petitioner is the District Secretary of Chhattisgarh Pradesh Shikshak Federation. Therefore, he falls within the protected category as per the transfer policy of State Govt.
3. The Counsel for the petitioner submits that he has worked 27 years in a Scheduled Area, therefore, he may be transferred to non scheduled area. The authorities if at all if they may transfer him to non scheduled area, this

fact may be considered by the authorities while deciding the representation of the petitioner.

4. The petitioner has also raised the ground is that the petitioner seniority promotional avenues would also be adversely affected in the light of the Circular of the State Government dated 21.05.2013 whereby certain benefits have been provided to class III & class IV cadre in district Bastar & Surguja Division.
5. Given the aforesaid facts, let the petitioner make a detailed representation within a period of 10 days and respondents in turn shall take a decision within a period of 45 days.
6. Till the representation is decided, there shall be a stay of effect and operation of both the impugned orders so far as the petitioner is concerned.
7. The writ petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha