

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7238 OF 2019**

Chandrakala Dewangan, W/o Shri Omprakash Dewangan, aged about 56 years, working as Lecturer (Hindi), posted at J.R. Dani Government Higher Secondary School, Kali Badi Chowk, Raipur (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur (CG)
2. State of Chhattisgarh, through the Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur (CG)
3. Under Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur (CG)
4. District Education Officer, Raipur, District Raipur (CG)
5. Dr. Lily Sahu, working as Lecturer (Hindi), posted at Government Higher Secondary School, Madhar Basti, District Raipur (CG)

Respondents

For Petitioner	:	Mr. Krishna Kumar Dixit, Advocate
For Respondent-State	:	Mr. P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/09/2019

1. Challenge in the present writ petition is to the order of transfer dated 22.8.2019 whereby the petitioner has been transferred from J.R. Dani Government Girls Higher Secondary School, Raipur to Government Higher Secondary School, Madhar Basti, Raipur.
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 her own expenses at her own request.
3. According to the 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 at her own request on her own expenses.
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 45 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 her transfer or not.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sharad/