

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS. No. 7148 OF 2019**

Subelal Sonkar S/o - Late Pusau Ram Sonkar Aged About 60 Years
Posted As A Upper Division Teacher At Primary Middle School Kugda
Block Patan District Durg Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Collector, Durg, District Durg Chhattisgarh
3. District Education Office, District Durg Chhattisgarh
4. Smt. Tejaswari Sahu L.B Mathematics Posted At Primary Middle School Gabdi Block Patan District Durg Chhattisgarh

---**Respondent(s)**

For Petitioner	:	Mr. B.P. Singh along with Mr. Shikhar Bhaktiyar, Advocates
For State	:	Ms. Sunita Jain, G.A.

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 12.07.2019 whereby the service of the petitioner has been transferred from Primary Middle School Kugda to Primary Middle School Gabdi Block Patan Distt. Durg.
2. The contention of the petitioner is that the impugned order is in violation of the transfer policy whereby on transferring the petitioner, student teacher ratio would get affected and his present work would get disturbed. The order of transfer would also create vacancy in the subject in which the petitioner was teaching.
3. This Court is of the opinion that under the scope of writ Jurisdiction Judicial review of an order of transfer, this Court would not like to interfere with the impugned order. Firstly, for the reason that the

distance within the two places of transfer is short a distance. Secondly, in case, if there arises vacancy on the transfer of the petitioner, it shall be the responsibility of the respondent No. 2 to ensure that sufficient teachers are made available for the school where the petitioner has been transferred from. Only because the post gets vacant can not be made a ground for the petitioner to challenge his transfer order as the service condition of the petitioner is not in any manner adversely affected nor is the impugned order passed by an incompetent authority or is contrary to the Rules & Regulations Governing the service condition of the petitioner.

4. The writ petition thus fails and is accordingly rejected.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha