

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6877 of 2019

1. Sapana Sharma Saraswat, W/o Shri Sanjeev Saraswat, Aged About 51 Years, Working As An Assistant Professor (Sociology), (Also Captain In The Girls Wing Of The National Cadets Corps Under 37 C.G. BN N.C.C. Durg Raipur Group), Posted At Government V.Y.T. P.G. Autonomous College, Durg, District: Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Higher Education Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhavan, Atal Nagar, Naya Raipur, District: Raipur, Chhattisgarh
2. Commissioner, Higher Education Directorate C.G., Block C-30, 2nd And 3rd Floor, Indravati Bhavan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh

---Respondents

For Petitioner	:	Mr. M.P.S. Bhatia, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.09.2019

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 21.08.2019, whereby the petitioner has been transferred from Government V.Y.T. P.G. Autonomous College, Durg, District: Durg, (C.G.) to Government College, Kheratha, District: Balod, (C.G.)
2. The two grounds on which the petitioner has assailed the order of transfer is that the petitioner is a trained NCC teacher and as per the circular of the Government of India as well as of the State

Government, an NCC trained teacher should always be transferred to a college where there is NCC.

3. The second ground is that, the petitioner is a kidney donor and that she requires constant medical attention and therefore, she could not be transferred to a remote area where she would find it difficult for getting regular medical attention.
4. Given the aforesaid facts, let the petitioner make a detailed representation to the Respondent No. 1 within a period of 15 days, in addition to the representation that the petitioner has already made in between, the Respondent No. 1 shall consider the aforesaid two grounds raised by the petitioner while reconsidering the order of transfer and a fresh order be passed 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), so far as the petitioner is concerned.
6. Accordingly, the present Writ Petition stands disposed off.

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