

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7253 OF 2019**

Jerom Tirkey, S/o Shri Sukhna Tirkey, aged about 45 years, presently posted and working as Assistant Teacher (L.B.), Primary School Kanwar Para, Pakhnakot, Block Dharamjay Garh, District Raigarh (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG)
2. Under Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.O. & P.S. Naya Raipur, District Raipur (CG)
3. Collector, Raigarh, District Raigarh (CG)
4. Block Education Officer, Block Dharamjaigarh, District Raigarh (CG)

Respondents

For Petitioner	:	Mr. Anuroop Panda, Advocate
For Respondent-State	:	Mr. Chandresh Shrivastava, Dy. A.G.

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 21.8.2019 whereby the petitioner has been transferred from Primary School, Kanwar Para, Pakhnakot, Block Dharamjaigarh, District Raigarh to Primary School, Jurgum, Block Bagicha, District Jashpur.
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 his own expenses at his 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 his own request on his 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 his transfer or not.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

/Sharad/