

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7155 of 2019**

Vinish Shah S/o Late Shri Banshilal Shah, Aged About 46 Years,
Occupation Upper Division Teacher, Middle School Kurandi Block And
Tahsil Jagdalpur, District Bastar, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, (Chhattisgarh)
2. The Collector Bastar, Jagdalpur, District Bastar (Chhattisgarh)
3. The District Education Officer Bastar, Jagdalpur, District Bastar (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11.09.2019**

1. The grievance of the petitioner in the present writ petition is to the order of transfer Annexure P-1 dated 20.06.2019 passed by the respondent no.2.
2. The contention of the petitioner is that the petitioner was substantively posted as an Upper Division Teacher at Middle School, Titirgaon, Jagdalpur since 2002. According to the petitioner, he was a surplus teacher at the said school, therefore, he was posted temporarily by the order of the respondent no.3 dated 07.10.2017 at Govt. Middle School, Kurandi, Block

Jagdalpur. According to the petitioner, now vide the impugned order he is being sent back to Govt. Middle School, Titirgaon where the petitioner still remains a surplus teacher.

3. Counsel for the petitioner makes a request that the petitioner may not be sent back to the place where there is already surplus staff and he may be either retained at the present place or posted at a place where there is a clear vacant post available.
4. Given the said facts, let the petitioner make a representation in this regard to the authority who has passed the impugned order i.e. respondent no.2 within a period of 10 days from the date of receipt of certified copy of this order. The respondent no.2 in turn shall consider the same and try to redress the grievance of the petitioner accommodating him to a place where there is a clear vacancy of staff available so that the petitioner may not be treated as a surplus teacher and he may not be transferred frequently declaring him as a surplus staff. Let the respondent no.2 take a decision at the earliest preferably within a period of 45 days from the date of receipt of the representation of the petitioner. Till then the effect and operation of the impugned order shall remain stayed so far as the petitioner is concerned if it has not till date been executed.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge