

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7524 of 2019

R.K. Anchal S/o Late Shri Ramsingh Anchal Aged About 55 Years Posted As Block Education Officer At Takhatpur, District Bilaspur, R/o Village Udaka Tahsil And District Mungeli, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. P.D. Ogre Presently Principal At In-Charge Block Education Officer, Pathriya District Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

--- **Respondents**

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/09/2019

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 22.08.2019, whereby the services of the petitioner has been transferred from the post of Block Education Officer, Takhatpur, District Bilaspur to the post of Principal, Government Higher Secondary School, Dharampura, District Mungeli.
2. The contention of the petitioner is that the petitioner would find it difficult in complying with the order in the light of another order of the State Government dated 22.08.2019, whereby one Smt. Archana Sharma has been transferred to the place, where the petitioner has now been transferred. The name of Smt. Archand Sharma finds place at serial No.76 in the order Annexure P/7.
3. On a query being put to the counsel for the petitioner, he submits that the petitioner is posted at the present place of posting since August, 2017 onwards, as such he has put in more than two years of service at the present place of posting.

4. This Court at the outset does not find it to be a strong case for interference with the impugned order of transfer. However, the difficulty which the petitioner is likely to face is that one Smt. Archana Sharma also has been ordered to be posted at the same place where the petitioner has been ordered to. This aspect needs consideration by the respondents, particularly the respondent No.1. Therefore let the petitioner make a representation within a period of 10 days from the date of receipt of the copy of this order, highlighting the fact that Smt. Archana Sharma has already been transferred to the said place, where the petitioner is also transferred, vide another order dated 22.08.2019. The respondent No.1 in turn shall consider the representation of the petitioner within an outer limit of two weeks from the date the petitioner's representation is received. If he does not make the representation, the order passed by this Court would lose its efficacy. The respondent No.1 in turn would be at liberty to pass an appropriate order on administrative exigency taking note of the aforesaid factual matrix of the case. While passing such order, the ban on issuance of the order of transfer would not come in the way of the authorities from issuing fresh order.
5. Till the representation of the petitioner is not decided by the respondent No.1, let status-quo as it exists today be maintained.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge