

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7282 OF 2019**

Ganesh Prasad Kashyap, S/o Shri Bhuneshwar Prasad Kashyap, 50 years, currently posted as Assistant Teacher, Government Primary School, Boirpara, Sankul Kendra Devarhat, Block Lormi, District Mungeli (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Department of School Education, Chhattisgarh Rajya, Mantralaya, Mahanadi Bhawan, P.S. Mandir Hasoud, Naya Raipur, District Raipur (CG)
2. Collector, Mungeli, District Mungeli (CG)
3. District Education Officer, Mungeli, District Mungeli (CG)
4. Paleshwar Kamle, presently posted as Assistant Teacher, Government Primary School, Block Lormi, District Mungeli (CG)

... Respondents

For Petitioner	:	Mr. Pallav Mishra, 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 12.7.2019 whereby the petitioner has been transferred from Government Primary School, Boirpara, Block Lormi, District Mungeli to Government Primary School, Rajpalpur, Block Lormi, District Mungeli.
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, rather he had made a request for his transfer to a different district altogether.
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/