

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7291 of 2019

1. Urmila Lakra, W/o Shri Ashit Kumar, Aged About 42 Years, Working As Teacher (L.B.) At Government Middle School-Deviganj, Janpad Panchayat-Ramchandrapur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary School Education Department, Mantralaya Capital Complex Mahanadi Bhawan, Atal Nagar Raipur, District : Raipur, Chhattisgarh
2. District Education Officer, Balrampur Ramanujganj, District- Balrampur-Ramanujganj, District : Balrampur, Chhattisgarh
3. The Collector, Balrampur, District- Balrampur-Ramanujganj, District : Balrampur, Chhattisgarh
4. Block Education Officer, Ramchandrapur Janpad Panchayat- Ramchandrapur District- Balrampur-Ramanujganj, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Akath K. Yadav, Advocate
For State	:	Ms. Ishwary Grhitlahre, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.09.2019

1. The challenge in the present Writ Petition is to the order or transfer Annexure P-1 dated 22.08.2019, whereby the petitioner has been shown to have been transferred from Government Middle School, Deviganj, Block: Ramchandrapur, District: Balrampur to Block: Kusmi under the District Education Officer, Balrampur, (C.G.)
2. According to the petitioner, impugned order shows that the petitioner to have been transferred on her own request, whereas she had

never requested for being transferred at the place where she is now being sent.

3. According to the petitioner, she herself vide Annexure P-5 made a request of transfer for being transferred to School Madhyamik Shala-Boriya under Janpad Panchayat- Ramchandrapur but the petitioner has been posted to a different place.
4. Considering the fact that, the petitioner has not been transferred to a place of her own choice, as per her request, the order of transfer could not have been said to have been issued on her own request. As her own request would mean a place of her own choice, any other place of posting cannot be said to have been at her own request, therefore, the impugned order needs reconsideration.
5. Let the petitioner make representation within 10 days from the date of receipt of Certified copy of this Order and the respondents in turn shall decide the same within 45 days from the date of receipt of representation the petitioner.
6. Till the representation of the petitioner is decided, the impugned order shall not be given effect to. However, the respondent authorities would be at liberty to take appropriate decision on administrative exigency in accordance with law, in between which includes such transferring, the petitioner on administrative exigency.
7. Accordingly, the present Writ Petition stands disposed off.

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