

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7371 OF 2019**

- Ramkumari, W/o Rakesh Kumar Basoniya, aged about 55 years, R/o Ward No.23, Mahamaya Colony, Triveni Marg, Ghutrapara, Ambikapur, District Surguja (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur (CG)
2. Director, Public Instructions, Directorate, Indrawati Bhawan, Atal Nagar, Naya Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate.
For Respondent-State	:	Mr. Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/09/2019**

1. Challenge in the present writ petition is to the order dated 21.8.2019 whereby the petitioner has been transferred from High School, Karouli to Higher Secondary School, Karsi, Pratappur, District Surgapur.
2. Contention of the counsel for the petitioner primarily is that the petitioner has been working in scheduled area since 1992 and therefore, if at all, if the respondents intended to transfer the petitioner they should have transfer her to a non-scheduled area. Further contention of the counsel for the petitioner is that the petitioner has been subjected to frequent transfers inasmuch as she has been subjected to transfer to different places within the same district by the orders of the District Education Officer, dated 30.11.2017, 17.7.2018 and again by order dated 5.1.2019.
3. Though from the orders it appears that the petitioner has been transferred to nearby places in less than 40km distance and that all those orders were those which were passed by the District Education Officer, Surguja, the present is an order passed by the State Government.
4. True it is that the State Government has a policy whereby a person working in the scheduled area for a long period can be transferred to a non-scheduled area.

5. The petitioner has expressed her willingness and consent to be sent on transfer to a non-scheduled area.
6. Keeping all these facts into consideration, let the respondent no.1 consider the case of the petitioner on her making a representation within 10 days of being transfer to a non-scheduled area in the State of Chhattisgarh.
7. Till the representation of the petitioner is decided, the present impugned order so far as the petitioner is concerned would not be given effect to.
8. For the purpose of passing a fresh order of transfer to a non-scheduled area, the transfer policy or the ban period would not come in the way.
9. The writ petition accordingly stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE