

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7690 OF 2019**

• Dharmpal Sai Samdur, S/o Jaypal Sai Samdur, aged about 57 years, working as Teacher (LB), Primary School, Rainpur, Block- Pali, District Korba (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through the Under Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. The District Education Officer, District Korba (CG)
3. The Block Education Officer, Pali, District Korba (CG) **... Respondents**

For Petitioner	:	Mr. Anil Tripathi, Advocate.
For Respondent-State	:	Ms. Abhyunnati Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/09/2019

1. Challenge in the present writ petition is to the order of transfer dated 22.8.2019 (Annexure P-1) whereby the petitioner has been transferred from Primary School, Rainpur, Block Pali, District Korba to Govt. Pre-Middle School, Aturgaon, Block and District Kanker.
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, yet the authorities have shown the transfer of the petitioner to have been made at his own request on his own expenses.
4. Given the aforesaid facts, let the petitioner within 10 days from today make an appropriate representation to the respondents 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 (Annexure P-1) 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.

/Sharad/

Sd/-
(P. Sam Koshy)
JUDGE