

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7793 of 2019

Prakash Kumar Kesharwani S/o Shri Manna Lal Kesharwani Aged About 43 Years Presently Working As Teacher (L.B.), Govt. Middle School, Samnapur, Block Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Education Department, Mantralaya, Mahanadi, Bhawan, Atal Nagar Naya Raipur District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Directorate Public Instructions, Indrawati Bhawan Atal Nagar, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Collector Kabirdham, District Kabirdham Chhattisgarh., District : Raipur, Chhattisgarh
4. District Education Officer Kabirdham Kabirdham, District Kabirdham Chhattisgarh., District : Raipur, Chhattisgarh
5. Block Education Officer, Block Kawardha, District Kabirdham, Chhattisgarh

---Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/09/2019

1. The petitioner has filed this petition on the grievance that though the transfer order has been issued on 12.07.2019, the petitioner is not being relieved.
2. The issue regarding implementation of transfer order has been considered by this Court in the case of **Ms. Manisha Agrawal Vs. State of Chhattisgarh and others, 2015(4) C.G.L.J.182**, wherein relying upon several judgments of the Supreme Court, it has been held by this Court that once the employee has been transferred, it is required to be complied with unless it is modified, varied or cancelled.

3. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
4. Accordingly, the writ petition is disposed of with the direction that if the transfer order of the petitioner is still operative, the respondent authorities shall relieve the petitioner towards implementation of the aforesaid transfer order.
5. It is also made clear that if any administrative exigency impede the petitioner's relieving, the petitioner shall be informed in writing. It will also remain open for the respondents to reconsider the issue of transfer on account of any administrative exigency.

Sd/-
(P. Sam Koshy)
Judge

Ved