

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 448 of 2019

(Arising out of Order dated 09.09.2019 in WPS- 6809 of 2019)

- V. P. Singh (Wrongly Mentioned As B. P. Singh In The Transfer Order) S/o Late Shri Shiv Dayal Singh Aged About 59 Years Working As Principal, Government High School, Aturgaon, Block- Kanker, District - Kanker Chhattisgarh...(Petitioner)

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur Chhattisgarh
2. The District Education Officer District North Baster Kanker Chhattisgarh
3. The Collector, District North Bastar Kanker (CG)
4. The Block Education Officer Kanker, District North Baster Kanker Chhattisgarh

-----Respondents

For Appellant	: Shri DN Prajapati, Advocate
For Respondents/State	: Shri VR Tiwari, Additional Advocate General

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per Parth Prateem Sahu, J.

04.10.2019

1. Refusal to interfere with the order of transfer by learned Single Judge made the appellant to approach this Court by filing this Writ Appeal.
2. Appellant was posted as Principal, Government High School, Aturgaon, Block-Kanker, district- Kanker and by virtue of order dated 14.08.2017, his services were transferred to Government High School, Gadveera, Block Lundra, district Surguja. In pursuance to the above transfer order, appellant was relieved from his earlier place of posting only

on 16.08.2019. The appellant went to his transferred place of posting ie Government High School, Gadveera, Block Lundra, district Surguja, on 05.09.2019 for joining his services, where he has been informed that post of Principal is not vacant and his joining has been refused.

3. The appellant filed writ petition before High Court challenging Annexure P-1, which came to be dismissed by impugned order. Learned Single Judge in his order considered the fact that the appellant was relieved from his service and the order of transfer is of two years ago and declined to grant any relief to the appellant.

4. Learned counsel for the appellant submits that at this stage he is not questioning his order of transfer but is only aggrieved that he was not permitted to join at his transferred place of posting as there was no vacant post of Principal available and at present he is neither here nor there.

5. Looking to the peculiar facts of the case and also considering that there cannot be vacuum with respect to place of posting of a government employee, on the last date of hearing we have directed learned counsel representing the State to seek instructions in the matter. Learned Additional Advocate General on instructions, submits that the submission made by learned counsel for the appellant is correct and at the transferred place of posting, there is no vacant post of Principal. He also submits that the post from which the appellant has been transferred is still lying vacant and on that post, he can be permitted to continue his services.

6. In view of the submissions made by learned Additional Advocate General on the basis of instructions received by him, we direct that the

appellant may be permitted to join at Government High School, Aturgaon, Block-Kanker, district Kanker, Chhattisgarh forthwith.

7. It is made clear that order of this Court will not come in the way of the authorities to consider the name of the appellant for passing appropriate order of his transfer afresh anywhere else if there arises any administrative exigency.
8. The appeal is disposed off in the above terms.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge