

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.468 of 2019**

Ashwani Kumar Dhruw S/o Shri Dalganjan, Aged About 48 Years,
Occupation Assistant Professor Government College Nagari District
Dhamtari, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary Higher Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Naya Raipur (Chhattisgarh).
2. The Additional Secretary, Higher Education Department, Atal Nagar, Naya Raipur, (Chhattisgarh).
3. R. K. Rathore, Assistant Professor, Government College Dabhra, District Janjgir-Champa, (C.G.).

---- Respondents

For Appellant	:	Shri Awadh Tripathi, Advocate
For State/Respondent	:	Shri Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgement on Board****Parth Prateem Sahu, Judge****22/10/2019**

1. The appellant has filed this appeal challenging the order of learned Single Judge whereby learned Single Judge declined to interfere with the order of transfer of the appellant from Government College Nagari, District Dhamtari to Government College Dabhra, District Janjgir-Champa.
2. The case of the appellant is that the appellant is working on the post of Assistant Professor at Government College Nagari, District Dhamtari and

his wife is also a Government Teacher and working at Middle School Ghotiyawahi, District Kanker (North Bastar). He submits that he has been transferred to Government College Dabhra, District Janjgir-Champa, which is about more than 350 kms. away from his present place of posting and by which, he and his family will also be disturbed. He also submits with reference to the transfer policy, especially clause 2.11 that the State Government itself has made a provision that the husband and wife who are in Government service, as far as possible, may be placed at the same place. Learned counsel for the appellant also submits that he has also made a representation before the competent authority mentioning the policy of the State Government for transferring Government employee as also the post vacant in other nearby college for the purpose that he do not want to stay at a particular place, but ready to join other place in some nearby place only because his wife is also a Government servant, but till date, that has not been decided.

3. On the last date of hearing, looking to the submissions made by learned counsel for the appellant as well as the grounds raised in the writ appeal, we directed the learned counsel appearing for the State to seek instructions on this issue and also with respect to status of the representation filed by the appellant.
4. Learned counsel appearing for the respondent/State submits that the grievance raised by the appellant was brought to the notice of the authorities as directed by this Court, on which it was informed that the order of transfer can be considered for amendment on the ground raised by the appellant. He placed across the table a letter dated 21/10/2019

addressed to him by the Additional Director, Directorate of Higher Education, Raipur, Chhattisgarh, wherein it has been mentioned that the transfer of the appellant has been made inadvertently, as the authorities were not having the knowledge that wife of the appellant is also Government servant earlier to filing of petition. As now, it is brought to the notice of the authorities, it can be considered for amendment and to post the appellant to the nearby place of District Dhamtari i.e. Government Collage Siloti, District Dhamtari, which is a nearby place of posting of the wife of the appellant.

5. In view of the aforementioned submission made by learned counsel for the appellant and also considering the fact that the Department is ready to consider the request made by the appellant in his representation and ground raised in this appeal, we find it appropriate to direct the appellant to file a fresh representation within a period of seven days from today along with copy of appeal and petition, and in turn, respondent authorities to decide the representation of the appellant and pass appropriate order within a period of two weeks'.
6. With the aforementioned observation/direction, the appeal stands disposed off.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge