

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8282 of 2019

Arun Kumar Pathak S/o Late Ramesh Prasad Pathak Aged About
43 Years Vill Dhangawan, Post Sadhwani District Bilaspur, Pin
495117 (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Higher Education Ministry, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Commissioner/Director, Directorate Of Higher Education Indrawati Bhawan Block C-30, Second And Third Floor, Raipur, District Raipur Chhattisgarh.

--- Respondents

Petitioner in person.
For State-Shri Priyank Rathi, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/10/2019

Heard.

1. The petitioner appears in person and he would submit that presently he is working in Government College, Tapkara which is a scheduled area. It is further submitted that the petitioner is discharging his job as a lab technician in the higher education department in the scheduled area for more than five years and he has rendered his services of 9 years, therefore according to the policy of the government he was entitled for a better place of posting. It is contended that the petitioner though had submitted a request for transfer, his name was not found in the transfer list and despite the fact that he has served more than 9 years in the scheduled area, he still continues in the same place. He further submits that the government as per the policy normally give the place of posting to the particular person when he has served in a scheduled area. Apart from that the petitioner submits that he has personal problem as of parents and children who are studying there.

2. Considering the fact, submission of the petitioner that the petitioner has already served in scheduled area for more than 9 years, as per the transfer policy dated 3/06/2015 clause 2.1 which requires that if a person has served in scheduled area for a particular period his further transfer to the non scheduled area shall be considered. Perusal of the document filed along with the petition would show that the petitioner though applied for transfer by Annexure P-1, however his request was not considered. The clause 2.1 of the transfer policy clearly mandates that a person who has served in the scheduled area for a particular period his further posting would be considered according to his request to a non-scheduled area. The said policy also appears to be rational and one person cannot be subject to posting on a particular scheduled area for the life time.

3. Accordingly, it is directed that the request of the petitioner be reconsidered for posting of the petitioner in a non-scheduled area. The said exercise may be carried out within a period of 60 days from the date of receipt of this order. The petitioner if so desires may file a fresh application also within a period of two weeks from today.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE