

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8217 of 2019**

Prashant Sharaf S/o Late Shri Kalakanhu Sharaf Aged About 40 Years
Working As Teacher (Lb) Raigarh, District Raigarh Chhattisgarh., District :
Raigarh, Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, General Administration Department Mantralaya, Mahanadi Bhawan Atal Nagar, New Raipur Chhattisgarh.
2. Collector Office of Collectorate, Raigarh, District Raigarh Chhattisgarh.
3. District Education Officer Raigarh, District Raigarh Chhattisgarh.

--- Respondents

For the Petitioners : Mr. Chandradeep Prasad, Advocate

For the Respondent : Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****14-10-2019**

1. The grievance of the petitioner is that he was transferred from Govt. Pre-Middle School Barpali, Baramkela to Govt. Pre-Middle School, Nandigaon, Baramkela. The petitioner has joined his service at High School, Nandigaon by order dated Annexure P-4 on 16.07.2019. However, as per Annexure P-5, the petitioner was further relieved for joining his earlier place of posting on the ground that his services were not absorbed in the education department on 16.07.2019.
2. learned counsel for the petitioner submits that the petitioner has been absorbed on 27.07.2019 and once he has joined the place of posting, he could not have been relieved.
3. Perused the documents. Primarily by order dated 12.07.2019, the petitioner was transferred from Pre-Middle School, Barpali Baramkela to the Govt. Pre-middle School, Nandigaon that is also at Baramkela. The

petitioner has joined his place of posting on 16.07.2019. Subsequently he was relieved on 03.08.2019 on the ground that he has not been absorbed in education department. The document Annexure P-3 dated 27.07.2019 would show that on that date, the petitioner's service was absorbed in the Education Department of the State. Be that as it may though the petitioner was not absorbed in the education department on 16.07.2019, but subsequently he was absorbed on 27.07.2019 and on the date when he further relieved on 03.08.2019, he stood absorbed in education department. Therefore, certainly the order of further relieving the petitioner on 03.08.2019 prima facie appears to be wrong on the face of absorption of the petitioner in school education department on 27.07.2019. Therefore, Annexure P-5 is set aside.

4. The petitioner is directed to file a fresh representation to respondent No.3, the District Education Officer along-with letter & relevant documents about his absorption in the school education department on 27.07.2019 and if such a representation is filed within a period of two weeks from the date of receipt of a copy of this order, the same shall be considered and decided by respondent no.3 within a further period of 60 days.
5. With the above observations, this writ petition stands finally disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**