

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8506 of 2019**

Prayag Das S/o. Panch Ram Aged About 48 Years Posted At
Government Middle School Manoharpur, Block Udaipur, District
Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Education
Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur,
District Raipur Chhattisgarh.
2. Collector Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
--- **Respondents**

For the Petitioner : Mr. Rahul Agrawal, Advocate

For the State : Mrs. Richa Shukla Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-10-2019

1. Heard on I.A.No. for grant of interim relief and I.A.No.2 seeking
exemption from filing typed copies of documents.
2. This is second round of litigation. Earlier, the petitioner has
challenged the order dated 12.07.2019 whereby he has been
transferred from Govt. Middle School, Monoharpur, Block Udaipur,
Distt. Surguja to Govt. Middle School, Raikera, Block Sitapur, Distt.
Surguja. It was contended that the son of the petitioner was
suffering from sickle cell anemia and requires constant medical
assistance and the near hospital is at Ambikapur and in case of
transfer, the medical assistance could not be provided to his son.
3. In earlier round of litigation, this court by order dated 06.08.2019
passed in WPS No.5813/2019 has directed the petitioner to make a

representation to respondent No.2/Collector Ambikapur to reconsider the transfer.

4. The present petition has been filed after filing of said representation, which after consideration has been dismissed vide order dated 23.09.2019. It is contended that the order dated 23.09.2019 which is under challenge is completely wrong and the respondent has not seriously taken into consideration the ailment of his son and the distance from the hospital to the present place of posting, for which the petitioner may suffer and face great inconvenience.
5. Perused the order dated 23.09.2019 (Annexure P-1). The order purports that the medical facility is also available at the transferred place at Raikera and the distance from Ambikapur to Manoharpur, Block Udaipur and the distance from Ambikapur to Raikera Block Sitapur is same and the treatment is available to the petitioner. The said order also records that the transfer is not against any policy of the Government.
6. Considering such factual aspects and the principle that the transfer is an incidence of service, when the representation against the transfer was reconsidered, the grounds urged by the petitioner are not found suitable. This Court also does not find any ambiguity/illegality in the order dated 23.09.2019 warranting any interference. Accordingly, the petition has no merit and is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**