

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 474 of 2019**

(Arising out of the order dated 22.8.2019 passed by the learned Single Judge in WPS No.6315/2019)

1. Laxmikant Pandey S/o Shri G.P. Pandey, aged about 44 years Assistant Teacher (Lb), Government Primary School- Dhaneli, Block- Navagarh, District- Janjgir-Champa (CG)

---- Appellant**Versus**

1. State of Chhattisgarh, through the Secretary to the Government of Chhattisgarh, Department of School Education, Mantralaya, Indrawati Bhawan, Atal Nagar Raipur.
2. The Collector Janjgir-Champa District-Janjgir-Champa, (CG)
3. The District Education Officer Janjgir, District-Janjgir-Champa (CG)
4. The District Education Officer, Sakti District- Janjgir-Champa.a

---- Respondents

For Appellant	:	Shri A.D. Shrivastava, Advocate
For Respondents	:	Shri Sudeep Verma, Govt. Advocate.

Hon'ble Shri P. R. Ramchandra Menon, CJ**Hon'ble Shri Parth Prateem Sahu, J****Order on Board by****Per P.R. Ramchandra Menon, CJ;****08/11/2019**

1. Interference declined by the learned Single Judge with regard to the challenge raised against the order dated 12.7.2019 passed by the 3rd respondent virtually transferring the service of the petitioner from Government Primary School, Dhaneli, situated in the Education District Janjgir-Champa under the 3rd respondent, to be placed at the option of the District Education Officer, Sakti, (situated in Education District-Sakti under the 4th respondent), is put to challenge in this appeal.

2. Heard learned counsel for the appellant as well as learned counsel representing the State.
3. The case projected by the appellant before the learned Single Judge was that the transfer, if at all necessitated on public interest, had to be confined to the same Education District and that the appellant could not have been transferred from the Education District under the 3rd respondent to another Education District under the 4th respondent without following the proper procedure as per Annexure P-5 transfer norms. It is stated that, if at all such an inter-revenue district transfer was necessitated in public interest, the proposal had to be moved by the District Collector before the Minister concerned and on getting appropriate orders from the State, the Collector could have passed orders regarding such transfer. The order under challenge having not been passed in terms of the stipulation as above, it is without authority and is sought to be interdicted.
4. The matter was considered by the learned Single Judge, who declined interference mainly observing that the distance between the two stations is too short; both the places are situated in the very same revenue district and further that, it was stated from the part of the State that the seniority of petitioner/ appellant herein will not be affected. Reference was also made to the dictum laid down by the Apex Court in the matter of Union of India & ors v. Janardhan Debanath & anr reported in (2004) 4 SCC 245.
5. Today, when the matter is taken up for consideration, learned counsel representing the State submits that, as per Annexure

P-5 transfer norms, transfer could be made within the 'revenue district' and hence, no interference is warranted. However, the specific case projected by the appellant is with regard to the procedure to be followed, if at all there has to be an 'inter-education district transfer' within the revenue district. It is also pointed out that the appellant still remains in the station from where he has been transferred and no substitute has joined so far.

6. In the above circumstance, we find it appropriate to relegate the appellant by moving a representation before the Committee as provided in Clause 6 of the Annexure P-5 transfer norms (as put-forth by learned counsel representing the State) projecting his grievances in appropriate terms, which shall be filed within a period of 'two weeks' from today. On receipt of such representation, it shall be considered by the said Committee in accordance with law and appropriate order shall be passed as expeditiously as possible, at any rate within a further period of 'one month' thereafter.
7. 'Status Quo' as on date shall be maintained till the matter is finalized as above.
8. Appeal stands disposed off accordingly.

Sd/-

(P.R. Ramchandra Menon)
Chief Justice

roshan/-

Sd/-

(Parth Prateem Sahu)
Judge