

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8660 of 2019

Ashok Kumar Pandey S/o Late Bhagwati Prasad Pandey Aged About 57
Years Working As Principal Government Higher Secondary School Nikum,
Block Durg, District Durg Chhattisgarh. --- **Petitioner**

Versus

1. The State of Chhattisgarh through Secretary, Department of School Education, Mantrayalay Mahanadi Bhawan, Naya Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Director Public Instruction Indrawati Bhawan Naya Raipur, Atal Nagar, District Raipur District : Raipur, Chhattisgarh
3. District Education Officer Durg, District : Durg, Chhattisgarh
4. Block Education Officer Durg, District Durg Chhattisgarh. --- **Respondents**

For the Petitioner : Mr. Manish Nigam, Advocate

For the Respondents : Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-10-2019

1. The petitioner who is working as Principal has been transferred from Higher Secondary School, Nikum Block Durg to Govt. Higher Secondary School, Saloni, Distt. Rajnandgaon vide order dated 22.08.2019 which is under challenge in this petition. It is stated that pursuant to the transfer order, the petitioner has been relieved vide order dated 11.09.2019 (Annexure P-2) and the same is also under challenge.
2. The grievance of the petitioner is that his wife is being treated for cancer disease and no medical facility would be available at the new place of posting. It is further submitted that the petitioner comes under the protected category as he was nominated as

Mahamantri of Chhattisgarh Karmachari Sangh and as per the policy of the State and the Circular he cannot be transferred.

3. Perused the documents. A perusal of Annexure P-6 shows that the petitioner is an office bearer of the Chhattisgarh State Employees Union. Further the medical document shows that the wife of petitioner is undergoing treatment as she is suffering from cancer.
4. Considering the facts situation of the case, it is directed that the petitioner shall be at liberty to make a detailed representation before the concerned respondents raising all his grievances within a period of 15 days from the date of receipt of copy of this order and on such representation being filed, the same shall be considered and decided within a further period of 45 days.
5. It is made clear that the transfer order/relieving order may not be given effect to till the representation is decided in case no-body has joined in place of petitioner.
6. This writ petition accordingly stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**