

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8545 of 2019

Ganesh Chandra Biswas S/o (Wrongly Mentioned As Shri Ganesh Biswas) Shri D.N. Biswas Aged About 61 Years Occupation Working As Headmaster, Posted At Govt. Primary School, Subhash Nagar Block Ramchandrapur, District Balrampur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh
2. Under Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh
3. District Education Officer, Balrampur, District Balrampur Ramanujganj Chhattisgarh
4. Block Education Officer, Block Rajpur, District Balrampur Ramanujganj Chhattisgarh,

----Respondents

For petitioner – Shri S.S. Painkra, Advocate.
For State-Ms. Binu Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/10/2019

1. Grievance of the petitioner is that the petitioner who is rendering his services as Headmaster at Govt. Primary School, Subhash Nagar, Block Ramchandrapur, District Balrampur has been transferred to Govt. Primary School, Bhagwatpur, Block Shankergarh, District Balrampur by an order dated 1/10/2019. Reference is made to the service book and he would submit that only five months are left for retirement of the petitioner, therefore transfer of the petitioner may be stayed. It is further submitted that as per the policy of the State the person who are due for superannuation within a year are normally not transferred, therefore transfer order of the petitioner may be quashed.

2. Perused the order of transfer as also the service book of the petitioner. Prima facie it appears that the petitioner is going to be

superannuate on 29/02/2020.

3. Considering the fact that only five months are left for the petitioner to be superannuated and as per the policy of State clause 1.8, the government employee are to be placed on the same place in home town or at an alternate district of choice. Considering the fact that only five months are left for superannuation of the petitioner, the transfer of the petitioner appears to be against the policy of the State itself. It is also obvious that before superannuation if a person is transferred it will rather lead to complicity as all difficulty will ensure to calculate retiral dues. In view of this transfer order dated 1/10/2019 (Annexure P-1) in respect of the petitioner whereby he has been transferred from Govt. Primary School, Subhash Nagar, Block Ramchandrapur, District Balrampur to Govt. Primary School, Bhagwatpur, Block Shankergarh, District Balrampur is hereby quashed.

4. Accordingly, the petition stands allowed.

Sd/-

(Goutam Bhaduri)

JUDGE