

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8547 of 2019

Sonsai Komare S/o Raisuram Aged About 35 Years, posted as Assistant Shikshak LB at Primary School Markapara, Sankul Fulbagdi, Block Sukma, District Sukma Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through The Secretary, Department of School Education, Mantralaya, Mahanandi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. Additional Secretary Department of School Education, Mantralaya, Mahanandi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh,
3. Collector Sukma District Sukma , District : Sukuma, Chhattisgarh
4. District Education Officer Sukma District Sukma Chhattisgarh,
5. Chief Executive Officer Zila Panchayat, Sukma District Sukma Chhattisgarh,
6. Block Education Officer Sukma District Sukma Chhattisgarh.

---- Respondents

For the Petitioner : Mr. F.S. Khare, Advocate

For the Respondents : Ms. Binu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-10-2019

1. The grievance of the petitioner is that though the transfer order/ has been issued on 21.08.2019 (Annexure P-1), the petitioner is not being relieved.
2. The issue regarding implementation of transfer order has been considered by this Court in case of *Ms. Manisha Agrawal v. state of Chhattisgarh and others, 2015 (4) CGLJ 182* wherein relying upon several judgments of the Supreme Court, it has been held by this Court that once the employee has been

transferred, it is required to be complied with unless it is modified, varied or cancelled.

3. Therefore, in these circumstances, either the transfer order has to be implemented or the State has the option to cancel, vary or modify or keep in abeyance.
4. Accordingly, the writ petition is disposed of with the direction that if the transfer order of the petitioner is still operative, the respondent authorities shall relieve the petitioner towards implementation of the aforesaid transfer order within a period of 30 days from today.
5. It is also made clear that if any administrative exigency impede the petitioner's relieving, the petitioner shall be informed in writing. It will also remain open for the respondents to reconsider the issue of transfer on account of any administrative exigency.

Sd/-

**GOUTAM BHADURI
JUDGE**