

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8604 of 2019**

Mohammad Gouse Baig, S/o. Late Sikandar Baig, Aged About 49 Years, Physical Training Instructor, Government Higher Secondary School Kandrai, Block And District Surajpur, Chhattisgarh, R/o. Village Satpata, Bishrampur, District Surajpur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, School Education Department-T, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Director, Public Educational Secretariat, Indrawati Bhawan, Naya Raipur Chhattisgarh
3. District Education Officer Surajpur, Block And District Surajpur Chhattisgarh
4. Principal Government Higher Secondary School, Kandrai, Block And District Surajpur Chhattisgarh

---- Respondents

For Petitioner : Mrs. Meena Shastri, Advocate

For Respondents/State : Mrs. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18.10.2019**

1. Grievance of the petitioner is that the petitioner has been transferred from Govt. Higher Secondary School Kandrai, Block Surajpur, District Surajpur to Govt. Higher Secondary School Khod, Block Odagi, District Surajpur, which is 150 km away.
2. It is contended that alongwith petitioner, eight persons were transferred and they were transferred on their own application and though the petitioner has made an application to transfer to a place Karanji but the case of the petitioner was not considered by leaving out instead others

cases were considered. It is further contended that the petitioner is a National Level Athlete, which would be evident from different certificates, which is attached in this petition and submits that the place where the petitioner has been transferred do not have a ground to practice or play. It is further stated that the transfer has been made in the mid-session and the daughter of the petitioner is studying in Class-VIII at DAV School. Therefore, mid-session transfer as has been held by the Supreme Court in 1994 Supp (2) SCC 666 are deprecated. Considering the same, the transfer of the petitioner may be canceled.

3. Perused the documents. Perusal of the documents show that apart from the petitioner other seven persons were transferred on their own request whereas the petitioner though had made a request by Annexure P-3 to transfer to Karanji, it was not considered. The petitioner contends that Karanji wherein the petitioner sought for transfer is still vacant. The various documents of the petitioner shows that he is National level player and it has been stated that the place of transfer have no proper ground for practice, which may also be a part of consideration. The fact that transfer has been made in mid-session also affect the study of the children. Considering the same, the petitioner would be at liberty to make a representation to the respondent No.1 within a period of 3 weeks from today and the respondent No.1, in turn, shall consider and decide the same at the earliest preferable within a further period of 45 days. Till then the transfer of the petitioner shall not be given effect to.
4. The writ petition accordingly stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge