

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 499 of 2019

(Arising out of order dated 02.09.2019 passed by learned Single Judge in WPS No. 6699 of 2019)

- Smt. Chandramukhi Mahobiya W/o Nitin Mahobiya Aged About 32 Years Presently Working as Assistant Teacher at Government Primary School Pipariya Khairagarh, District Rajnandgaon Chhattisgarh. R/o Baraipara Ward No.7, Chhuikhadan, District-Rajnandgaon, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through- Secretary, Development of School Education Mantralaya, Mahanadi Bhawan New Raipur, District Raipur, Chhattisgarh.
2. Collector, District Rajnandgaon, Chhattisgarh.
3. District Education Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

-----Respondents

For Appellant	:	Shri C.K. Kesharwani, Advocate.
For Respondents	:	Shri Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per P.R. Ramachandra Menon, CJ

07.11.2019

1. Heard the learned counsel for the appellant as well as the learned counsel representing the State.
2. Dispute is mainly with regard to the transfer of the appellant, who was working as an 'Assistant Teacher' in the Govt Primary School, Pipariya Khairagarh Distt. Rajnandgaon to Govt. Primary School, Sandi, Khairagarh Distt. Rajnandgaon, as per the Annexure P/1 order dated 12.07.2019.

3. The challenge raised in the writ petition with regard to the merits was not entertained by the learned Single Judge, who disposed of the writ petition with liberty to the writ petitioner to prefer a representation before the respondents and to have it considered as expeditiously as possible.
4. The learned counsel for the appellant submits that the petitioner, who is a lady, is suffering from various ailments and she is also facing various other adverse circumstances by virtue of the serious ailments of her mother-in-law, who is staying with her and is suffering from Brain Tumor. The medical reasons projected by the appellant were not paid any heed to by the respondents while ordering the transfer, which made her to file representation, followed by the proceedings filed before this Court by way of writ petition.
5. The learned counsel for the State submits that the representation preferred by the petitioner was considered and the same came to be rejected as it was preferred before the District Collector and not before the Competent Authority, which is the Committee headed by Senior Secretary, General Administrative Department, who is the co-ordinator of the Committee.
6. We find that there was no submission from the part of the respondents, when the matter was finalized by the learned Single Judge, as to the proper forum/Competent Authority to whom the representation was to be made by the writ petitioner, which led to the direction given by the learned Single Judge to have the representation preferred before the respondents (Committee, not being there in the party array) and the simultaneous direction to have it considered and disposed of.

7. We deprecate the course pursued by the District Collector in simply rejecting the representation, which, in all fairness ought to have forwarded to the Competent Authority (Committee) for appropriate steps; failure of which has resulted in this, otherwise unnecessary appeal, virtually contributing to increase the work load of this Court.
8. In view of the subsequent developments as noted above, we set the appellant at liberty to file a proper representation along with the requisite materials/documents before the Competent Authority i.e the Committee as mentioned above, within ten days from the date of receipt of a copy of this verdict; upon which the same shall be caused to be considered and finalized by the Competent Authority/the Committee as aforesaid, as expeditiously as possible at any rate within one month thereafter. The submission made by the learned Dy. Govt. Advocate representing the State, that the outcome of the present proceeding would be communicated to the Competent Authority, is recorded.
9. Writ Appeal is disposed of accordingly.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge