

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9308 of 2019**

- Uttam Kumar Sahu, S/o Shri Puran Lal Sahu, Aged About 43 Years, Presently Posted As Teacher (L. B.) At Government Middle School Parsadih Block Doundilohara, District Balod Chhattisgarh R/o Ward No. 02, Post Karhimadar Tahsil And District Balod Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Collector, Balod District Balod Chhattisgarh
3. District Education Officer Balod District Balod Chhattisgarh
4. Block Education Officer Balod District Balod Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ashutosh Mishra, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/11/2019**

Heard.

1. The grievance of the petitioner is that the petitioner who is working as a Teacher (L.B.) in the Government Middle School Parsadih, Block Doundilohara, District Balod has been transferred to Government Middle School Turmuda, Block Doundilohara, District Balod.

2. It is contended that earlier on 12.07.2019 when transfer order was issued it did not contain the name of the petitioner, however, again impugned order Annexure P-1 was passed which contain the name of the petitioner, therefore, the transfer is tainted with arbitrary and malafide interference. It is further contended that the tenure of the order and the manner in which the transfer order (annexure P-1) is passed it appears to be passed on back date.
3. On the earlier occasion, learned State counsel was directed to enquire about the distance between the places of transfer. It is submitted that the distance is only 40-50 kms.
4. Considering the distance between the places of transfer, prima facie, it appears that no prejudice is caused unless and until the order is tainted with malafide or is against the law the interference is uncalled for. The transfer being incidence of service and taking into fact the distance between the places of transfer is only 40-45 kms in the particular case no prejudice can be said to be caused to the petitioner, therefore, I am not inclined to interfere with the transfer order in respect with the petitioner, however, the petitioner shall be at liberty to file a representation within three weeks from today to the concern respondent. The same if filled shall be decided within further period of 90 days from the date of receipt of a copy of this order.
5. Accordingly, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge