

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 534 of 2019**

*{Arising out of order dated 22.10.2019 passed by the learned Single Judge in Writ
Petition (S) No. 8701 of 2019}*

- Smt. Madhavi Goswami, W/o Shri Jitendra Giri Goswami, aged about 35 years,
Presently posted as Training Officer (Mechanic Radio Television) Government
Industrial Training Institute, Korba, District Korba (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Skill Development and Technical
Education and Employment Department, Mantralaya, Mahanadi Bhawan, Atal
Nagar, Nawa Raipur, District Raipur (C.G.)
2. Director, Directorate of Skill Development and Technical Education and
Employment Department, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District
Raipur (C.G.)
3. Principal, Industrial Training Institute, Korba, District Korba (C.G.)

---- Respondents

For Appellant	:	Shri Manish Upadhyay, Advocate.
For Respondents/State	:	Shri Sudeep Verma, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Judgment on Board****Per Parth Prateem Sahu, Judge****22.11.2019**

1. Dismissal of the writ petition by the learned Single Judge made the Petitioner to
approach this Court by filing writ appeal.
2. The facts of case in nut shell are that the Appellant was posted at ITI, Korba as
Training Officer (Trade Mechanic Radio and Television). She has been
transferred by order dated 20.08.2019 to ITI Kurud, District Dhamtari to the post
of Training Officer (Trade Information Technology).

3. Aggrieved by the said transfer order, the Appellant approached this Court by filing writ petition mainly on the ground that the Petitioner was holding the post of Training Officer (Trade Mechanic Radio and Television) and she has been transferred to a different post, which is not of the 'subject' of the Appellant and therefore, she is unable to join the post.
4. The learned Single Judge in the earlier round of challenge, had directed the Appellant to file a representation, simultaneously directing that the concerned authority shall consider the reasons raised by the Appellant with respect to the 'subject' and the post to which she has been transferred at ITI Kurud.
5. The said order of the learned Single Judge was challenged before this Court in appeal on the ground that, though the learned Single Judge had directed for filing and consideration of the representation, her interest was not protected till such time. Considering this submission, WA No. 450/2019 was disposed of by this Bench on 03.10.2019, extending the benefit of 'status quo' till the representation was findings.
6. The State Government had passed an order amending the transfer order and the Appellant has now been posted as Training Officer at ITI Kurud, in the branch of Trade Information and Communication Technology System (ICTSM). This order was challenged by the Appellant in the second writ petition. The learned writ Court, considering the earlier proceedings, dismissed the writ petition, which made the Petitioner to file this writ appeal.
7. We have gone through the records of the appeal as well as the writ petition. This Court in the earlier round of appeal had very specifically mentioned that the 'status-quo' as on date shall be maintained. As informed by the learned counsel for the Respondents/State that the Appellant had been relieved on 12.09.2019, i.e. prior to 03.10.2019 – the date of verdict passed by this Court in Writ Appeal

No. 450 of 2019. But she was permitted to join back at ITI Korba, till the matter was finalized. The Appellant is stated as qualified for teaching in the subject of Electronics and Communication as well. In the said circumstance, this Court does not find anything wrong on the part of Respondents in changing the branch of the Appellant and to be posted at ITI Kurud in the post of Training Officer (Trade Information and Communication Technology System (ICTSM)).

8. The grounds raised by the Appellant are not tenable. We do not find any error or infirmity in the verdict passed by the learned Single Judge. The appeal being devoid of any merit is liable to be dismissed. It is ordered accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge