

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9472 of 2019**

- Anil Kumar Pandey S/o Shriniwas Pandey Aged About 41 Years R/o LIG - 756, Dindayal Colony, Mangala, Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Director Directorate Of School Education, Indrawati Bhawan, Nawa Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. District Education Officer District Baloda Bazar Chhattisgarh
4. Block Education Officer Block Kasdol, District Baloda Bazar Chhattisgarh
5. Headmaster Government Middle School Achanakpur, Tahsil Kasdol, District Baloda Bazar Chhattisgarh

---- Respondents

For Petitioner : Shri Malay Shrivastava, Advocate

For Respondents/State : Shri Alok Bakshi, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/11/2019**

1. Case of the petitioner is that the petitioner was transferred from Government Middle School, Achanakpur, Tahsil Kasdol, District Baloda Bazar to the office of District Education Officer, Bilaspur by an order dated 22/08/2019, however till date the petitioner has not been able to join the place of posting.
2. Transfer order Annexure P-1 dated 22/08/2019 is not in dispute that the petitioner has been transferred from Kasdol to Bilaspur. In case of Ms. Manisha

Agrawal Vs. State of C.G. & ors. reported in 2015(4) C.G.L.J. 182 it has been held that unless and until transfer order is modified or cancelled, transfer order cannot be kept in abeyance. In the matter of Sreedam Chandra Ghosh Vs. State of Assam & ors. reported in (1996) 10 SCC 567 the court at para 6 has held as under:-

“6. It is then contended that the transfer orders are to be enforced by the Government as per the rules in vogue and the High Court cannot interfere with these orders. We are unable to appreciate this contention also. When the Government views non-compliance of the transfer order as a serious indiscipline on the part of the erring officer and when the person complains of the non-compliance to the court, the court necessarily has to give effect to the order and give directions for enforcement thereof. Under these circumstances, we do not find any merit in the petition.”

3. Considering the same and the law laid down by this court, grievance of the petitioner that he has not been relieved till date, it is directed that the respondent shall allow the petitioner to join him transferred place of posting as per transfer order dated 22/08/2019 subject to just exception, if any.

With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge