

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9719 of 2019**

- Shastragya Kumar S/o Chaturbhuj Kumar Aged About 42 Years Working On The Post Of Rural Agriculture Extension Officer, Block Bilha, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through It's The Secretary Agriculture Development And Farmer Welfare And Biotechnology Department Mahanadi Bhawan Atal Nagar Raipur, District Raipur, Chhattisgarh
2. The Collector District Bilaspur, Chhattisgarh
3. The Join Director Agriculture Division Office Bilaspur, District Bilaspur, Chhattisgarh
4. The Sub Divisional Officer (Agriculture) Block Office Bilha, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Shri Ravi Maheshwari, Advocate

For Respondents/State : Shri Soumya Rai, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/11/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner's name is Shastragya Kumar and the petitioner was appointed on the post of Rural Agriculture Extension Officer in the year 2012. At present the petitioner is posted in the office of Senior Agriculture Development Officer, Belha, District Bilaspur and he joined there on 22.08.2016. He would further submit that in the

entire official record of the petitioner the name of the petitioner is shown as Shastragya Kumar, however, by order dated 22.08.2019 one S.K. Prajapati has been said to be transferred and the office is shown as Senior Agriculture Development Officer, Block Belha, District Bilaspur, wherein the petitioner is working and that S.K. Prajapati has been transferred on the administrative grounds. It is stated that the petitioner is pressed to be relieved on the ground that S.K. Prajapati is the petitioner itself whereas the petitioner is Shastragya Kumar and the petitioner is wrongly being persuaded to be relieved. Reference was made to the different documents and it is submitted that in the mark-sheet and all the educational papers petitioner's name is shown as Shastragya Kumar, therefore, he may not be forced to be relieved in lieu of one S.K. Prajapati.

3. Perusal of the documents filed along with the petition i.e. the mark-sheet of the higher secondary, college and the appointment letter shows that the petitioner is known as Shastragya Kumar. The petitioner joined in the office of Senior Agriculture Development Officer, Block Belha, District Bilaspur on 22.08.2016, which is filed along with the petition and since one S.K. Prajapati, who is shown Officer in the office has been said to be transferred to Baloda Bazar and the petitioner is being pressed for that, prima facie, it appears that the name of the petitioner is shown as Shastragya Kumar and not as S.K. Prajapati. The claim of the petitioner that he is not S.K. Prajapati. If the petitioner is not known as S.K. Prajapati, he cannot be forced to obey the transfer order dated 22.08.2019 as it pertains to S.K. Prajapati. It is further observed that the State would be at liberty to examine the entire records which may include the withdrawal of the money vouchers and if any amount has been withdrawn by the petitioner which was due or entitled for S.K. Prajapati then the State would

be at liberty to file a criminal case against the petitioner. Since the petitioner claims that S.K. Prajapati and the petitioner are different, consequently, the petitioner shall not be pressed to comply with the transfer order dated 22.08.2019, wherein at Serial No.165 name of S.K. Prajapati, appears. The State however shall be at liberty to pass any other order if deems fit.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu