

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 9976 of 2019**

Jagat Bandhu Chakraborty, S/o. Shri Girdhari Chakarborty, Aged About 51 Years, Presently Working As Head Master Of Government Middle School, Baruka, Block Gariaband, District Gariaband, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of School Education, Mahanadi Bhavan, New Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Under Secretary, Department Of School Education, Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur Chhattisgarh
3. District Education Officer, District- Gariaband, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Satish Gupta, Advocate
For State	:	Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27.11.2019**

1. Grievance of the petitioner is that the petitioner has been transferred from Government Middle School Baruka, Block Gariaband to Government Middle School, Saagda, Block Mainpur, District Gariaband, which is 150 km away.
2. It is contended that the transfer has been made during the ban period as 23rd August was last date for execution of any transfer. It is further stated that the wife of the petitioner is posted at Village Kurud, Block Chura, which is near Baruka and as per the policy of the State normally the husband & wife are kept in the same place. It is further contended that as per the transfer policy, the petitioner who has been placed in scheduled area wherein he is working, he should be placed for minimum three years and he will relieve only when the reliever comes and he cannot be relieved exparte. He referred to the order passed in WPS No.7635 of

2019 by the coordinate Bench of this Court and submits that the transfer may be canceled.

3. Considering the aforesaid facts, the petitioner is given liberty to make a representation within a period of three weeks to the Grievance Redressal Committee and the Committee in turn shall consider the same within an outer limit of 45 days from the date of receipt of the representation. Till then, the transfer of the petitioner shall not be given effect to, if it has not been carried out till date. It is further observed that as per clause 2.5 of the transfer policy, if the petitioner has not been relieved by reliever, he may not be forced to relieve exparte.
4. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Ashok