

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 566 of 2019**

*{Arising out of order dated 05.08.2019 passed by the learned Single Judge in Writ
Petition (S) No. 5672 of 2019}*

- Ramesh Singh Keram, S/o Late Shri Alafttu Ram Keram, aged about 50 years, R/o village Tendra, Police Station Arjunda, Tahsil Cunderdehi, District Durg (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through The Secretary, School Education Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. The Collector Collectorate Durg, District Durg (C.G.)
3. The District Education Officer, Durg, District Durg (C.G.)
4. Smt. Nirmala Janghel, Occupation Service, Assistant Teacher (L.B.) at Government Primary School, Chicha, Block Dhamdha, District Durg (C.G.)

---- Respondents

For Appellant	:	Shri Govind Dewangan, Advocate.
For Respondent/State	:	Shri Ghanshyam Patel, 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****03.12.2019**

1. Heard on I.A. No. 1 of 2019, which is an application for condonation of delay of 63 days in filing the writ appeal. For the reasons stated in the application, it is allowed and the delay in filing of appeal is condoned.
2. This appeal has been preferred by the Appellant challenging the order passed by the learned Single Judge wherein the writ petition filed by him challenging

order of his transfer from Government Primary School, Chicha, Block Dhamdha to Government Primary School, Sukharikhurd, Block Dhamdha was disposed off recording submission of the learned counsel for the Petitioner their in that the Petitioner may be permitted to make representation.

3. The learned counsel for the Appellant contended that the Appellant is working as Assistant Teacher (Local Body) at Government Primary School, Chicha, Block Dhamdha, but only to accommodate Respondent No. 4 he has been transferred to Government Primary School, Sukharikhurd, Block Dhamdha, District Durg. It is also the contention of the learned counsel that the learned Single Judge has not considered the grounds raised by the Appellant in writ petition in its entirety and while passing the impugned order interim protection to occupy the present place of posting was not granted to him.
4. The learned counsel for the Appellant further contented that he had also submitted representation before the appropriate authority as per the order's passed by learned Single Judge, but the same was not decided. The act of the Respondent in not even deciding the representation is arbitrary.
5. The learned counsel for the Respondent/State submits that the learned Single Judge has passed the order on board on the submissions made by the learned counsel for the Appellant that he do not want to press the case on merit, but he be permitted to make representation before the authorities against his transfer order. Now he cannot be permitted to challenging the order which was passed on his consent.
6. Perusal of record would show that the order has been passed on the basis of submissions made by learned counsel for the Appellant, the Appellant has already acted upon the order passed by the learned Single Judge and submitted his representation before the authorities. But, however, it is not

decided as per the submission made by learned counsel for the Appellant. In the aforementioned facts of the case the impugned order passed by learned Single Judge cannot be interdicted as there is no error in the order passed by the learned Single Judge.

7. So far as, the second submission made by learned counsel for the Appellant not the authorities till date have not decided his representation submitted by him on 20.08.2019 in pursuance to the order dated 05.09.2019 passed by learned Single Judge, we direct the concerned authority *i.e.* Respondents No. 2 and 3 before whom the representation is made to decide the same as expeditiously as possible within a period of three weeks from the date of the submission of the copy of order.
8. In view of the above, the appeal stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge