

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10220 of 2019**

- Santosh Kumar Patel S/o Shri Banmali Patel Aged About 48 Years Presently Posted As Assistant Professor (Geography) At Government Raja Virendra Bahadur Singh College, Saraipali, District- Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary Higher Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Under Secretary Higher Education Department, Mantralaya, Mahanadi, Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
3. Principal Government Raja Virendra Bahadur Singh College, Saraipali, District Mahasamund, Chhattisgarh

---- Respondents

For Petitioner : Shri Waquar Nair, Advocate

For Respondents/State : Shri Ravish Verma, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/12/2019**

1. The grievance of the petitioner is that the petitioner is still under probation he was appointed on 29.08.2017 and he has been transferred from Government Raja Virendra Bahadur Singh College, Saraipali, District Mahasamund to Government College, Lavan, District Baloda Bazar by order dated 21.08.2019.
2. It is contended on behalf of the petitioner is that the petitioner cannot be transferred during the period of probation as it may have an adverse effect on his confirmation in the job.

3. Per contra, learned State counsel would submit that since the petitioner is under probation and it is a part of the service condition that the petitioner can be placed anywhere and further the Government reserves their right to extend the probation or not, therefore, no fault can be attributed to the probation affected. Learned State counsel would further submit that the petitioner is deliberately avoiding the transfer which may have some adverse effect on his confirmation.
4. Considering the entire facts situation of the case, it is directed that the petitioner is at liberty to make a detailed representation in this regard before the concerned respondent within a period of 15 days from today and on such representation being filed, the said respondent shall decide the same within a period of 45 days from the date of receipt of the representation. Till the representation of the petitioner is decided, the transfer order dated 21.08.2019, in respect of the petitioner shall not be given effect to if it has not been executed till date.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge