

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10138 of 2019**

- Deepa Sharma D/o Shri Dharamveer Sharma Aged About 41 Years R/o Behind Jain Mandir, Vidya Nagar, Durg, District- Durg, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Higher Education Department, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
2. The Commissioner Higher Education Department, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
3. Government J. Yoganandam Chhattisgarh PG College, Through The Principal, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Prateek Sharma, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/12/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner was transferred from Government J. Yoganandam Chhattisgarh P.G. College, Raipur to Government Bhanupratap Dev P.G. College, Kanker by order dated 21.08.2019. It is contended that the petitioner against such transfer has filed the representation before the Grievance Redressal Committee according to the policy of the State and the Committee of three members by order dated 18.10.2019 observed that

the transfer of the petitioner is illegal as she is in probation, she cannot be transferred. It is further contended that despite such order passed by the Committee, the petitioner is not being allowed to join in the place on the ground that she has already stood relieved.

3. Perused the order of transfer as also the cancellation of the transfer order by the Grievance Redressal Committee which consists of three members. The recommendation of the committee dated 18.10.2019 unequivocally records that the transfer of the petitioner is against the transfer policy and since the petitioner is not surplus, the transfer is recommended to be canceled. It is obvious that the Grievance Redressal Committee has been constituted by the State itself to redress the grievance and the committee after finding of fact recommends. When such recommendation is given is required to be followed as otherwise it will lead to flouting the own policy of the State. Accordingly, the Under Secretary, Higher Education Department, who has passed the order of transfer of the petitioner, is directed to look into the order passed by the Grievance Redressal Committee and follow its recommendation accordingly and pass amended order for cancellation of the transfer order of the petitioner within a period of 30 days from the date of receipt of the copy of this order. Till the aforesaid exercise is carried out no punitive action shall be taken against the petitioner.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge