

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10583 of 2019

Shashank Sahu S/o Shri Daya Shankar Sahu, Aged About 34 Years
Presently Posted as Assistant Teacher E.L.B. Primary School Girgaon,
Block Dongargaon, District Rajnandgaon Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh,
2. The Collector Rajnandgaon, District Rajnandgaon District : Rajnandgaon, Chhattisgarh
3. The Under Secretary, GAD, Mahanadi Bhawan, Atal Nagar, Raipur , District : Raipur, Chhattisgarh
4. District Education Officer, Rajnandgaon, District Rajnandgaon District : Rajnandgaon, Chhattisgarh
5. The President, Transfer Committee, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
6. Kumar Sahu Assistant Teacher E.L.B. Primary School Kolhatola, Block Chhuikhadan, District Rajnandgaon Chhattisgarh. **--- Respondents**

For the Petitioner : Mr. P. R. Patankar, Advocate

For the State/Respondents : Mr. Ravish Verma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-12-2019

1. The grievance of the petitioner is that initially the petitioner was transferred from Government Primary School Girgaon, Block Dongargaon to Primary School Kohlatola, Block Chuikhadan on mutual basis by order dated 12.07.2019 and in his place on Kumar Sahu who wanted transfer from Chuikadan was posted at Primary School Girgaon. Thereafter the petitioner made a representation that he had not made any application for mutual

transfer. Consequently it was amended and further order was passed on 17.07.2019 that the transfer would be on mutual basis. Subsequent to it, the petitioner would submit that the matter was taken up to the Collector and after evaluating the number wherein the petitioner is transferred, it was found that the petitioner would be surplus if he is transferred to Primary School Kohlatola Chuikadan and the District Education Officer, Rajnandgaon, too fortified the same. Consequently, it was recommended by the Collector Rajnandgaon to the Secretary State by letter dated 16.10.2019 (Annexure P-8) that the transfer of the petitioner to Kohlatola would make him surplus, therefore, the transfer may be cancelled. Since in the meanwhile, the application was pending before the Grievance Reddressal Committee, the same was against the transfer and it was dismissed only on the ground that the recommendation of the Collector is awaited. It is contended that the said order was passed on 18.10.2019 whereas the Collector has recommended for cancellation of transfer on 16.10.2019, therefore, the recommendation order by the Committee has been passed without evaluating the actual facts.

2. Perused the documents. The petition would show that initially he was transferred from Primary School Girgaon Block Dongargarh to Primary School Kohlatola, Chuikhadan. Since the representation was made that it was not on mutual basis, the said order was subsequently amended and thereafter, it was shown to be on administrative reason. Subsequent thereto, the D.E.O., Rajnandgaon forwarded the resolution of the Zila panchayat in general meeting wherein the transfer of the petitioner was recommended to be cancelled. Thereafter, it shows that the Collector by letter dated 16.10.2019 (Annexure P-8) made a communication to the Secretary State General Administration that the transfer of the petitioner to Kolhatola would make him surplus, therefore, the cancellation of the petitioner was recommended on the basis of the DEO and Collector.

However, while the grievance redressal Committee while adjudicating the representation of the petitioner, the same was dismissed on the ground that the recommendation of the collector is awaited. The recommendation of the Collector would show that it was made on 16.10.2019 and it was communicated to the Secretary, GAD. It appears that the recommendation for cancellation of the transfer did not reach to the Grievance Redressal Committee and in the meanwhile, only on the ground that since recommendation has not been received, the orders were received.

3. Under the circumstances, certainly the petitioners representation requires to be reconsidered in view of the recommendation made by the DEO and the Collector. Therefore, the Grievance Reddressal Committee is directed to reconsider the case of petitioner within 45 days from the date of presentation of this order after taking into consideration the recommendation made by the Collector and D.E.O., which purports for cancellation of transfer.
4. With such observations, this writ petition stands disposed of.

Sd/-
GOUTAM BHADURI
JUDGE