

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 52 of 2020**

*{Arising out of order dated 24.10.2019 passed by the learned Single Judge in Writ
Petition (S) No. 8713 of 2019}*

- Praveen Kumar Sharma, Son of Shri Ram Bhagwan Sharma, aged about 35 years, posted at Assistant Teacher (L.B.) at Govt. Primary School Mudhipar, Rajnandgaon, District Rajnandgaon (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Department of Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Collector District Rajnandgaon (C.G.)
3. District Education Officer, District Rajnandgaon (C.G.)
4. Chief Executive Officer, Zila Panchayat, District Rajnandgaon (C.G.)

---- Respondents

For Appellant	:	Shri Ajay Shrivastava, Advocate.
For Respondent/State	:	Shri Gagan Tiwari, Deputy 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****17.01.2020**

1. Challenge is against the order dated 24.10.2019, whereby the writ petition filed by the Appellant challenging order of the transfer as well rejection of representation vide order dated 09.09.2019 was dismissed by impugned order.
2. The facts of the case are that the Appellant was transferred from Government Higher Secondary School, Mudhipar to Government Higher Secondary School,

Baagur, Chuikhadan vide order dated 12.07.2019. The said order was challenged by the Appellant in a Writ Petition (S) No. 6323 of 2019 which was disposed off with a direction to the Appellant to submit his representation showing his grievance before the concerned authority. The representation submitted by the Appellant was considered by the Collector, Rajnandgaon was dismissed. The rejection of the representation of the Appellant made him to file second writ petition before this Court which also came to be dismissed by impugned order dated 24.10.2019.

3. The learned counsel for the Appellant submits that the school from where he was transferred to the school, Baagur, Chuikhadan was having only one Science teacher *i.e.* the Appellant and there is no other Science teacher to teach the subject of Science to the student at school, Mudhipar. The Principal of the Higher Secondary School, Mudhipar has also issued letter to this effect mentioning that there is no Science teacher except the Petitioner and on this count Appellant seeks that his transfer order may be interdicted.
4. Per contra, the learned counsel appearing for the State submits that the concerned authority has considered the representation submitted by the Appellant in detail and vide Annexure P/7 has rejected his representation taking into one of the consideration that the school in which Appellant has been transferred is also having deficiency of Science teacher and it is for the betterment of the school and in the interest of the students the transfer has been effected. His representation after analyzing all the above aspects has been rejected.
5. It is settled law that the transfer is an incident of service. Transfer of a Government servant is not to be interdicted by the Court except on the ground of malafide or other some extreme personal difficulty like medical ailment etc.

6. The ground raised by the learned counsel for the Appellant is not for the Court to consider, but it is for the concern authorities of the Department to consider the issue raised by the Appellant with regard to the teacher in a particular school of a particular subject to be posted. It is for the administrative authorities to look into the posting of a teacher of particular subject taking into consideration the need thereof on priority basis. The authorities of the department are the best persons and while considering the representation filed by the Appellant, they have dealt with the grounds raised in it and dismissed the same with reasoned order.
7. In view of the above, we do find any merit in the writ appeal. The appeal stands dismissed.
8. However, the Appellant submits that he has also made an application on 06.12.2019 before Grievance Redressal Committee which is pending and submits that a direction be issued to decide the representation within specific time period. This submission is not opposed by learned counsel appearing for the State. Taking into consideration the submission of learned counsel for Appellant that his representation is pending consideration before the Committee. We direct the Grievance Redressal Committee constituted by the State for considering the transfer of the Government servants, if not decided within a period of two weeks from the date of production of this order.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge