

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 386 of 2020

Smt. Savita Devi Sahu W/o Shri Virendra Kumar Sahu Aged About 30 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Nawapara, Block Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Collector Raigarh, District Raigarh Chhattisgarh.
3. District Education Officer Raigarh, District Raigarh Chhattisgarh.
4. Block Education Officer, Block Sarangarh, District Raigarh Chhattisgarh.
5. Head Master Govt. Primary School Nawapara, Block Sarangarh, District Raigarh Chhattisgarh.

----Respondents

For petitioner – Shri U.P.S. Sahu, Advocate.
For State-Shri Kunal Das, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/01/2020

1. Case of the petitioner is that the petitioner has been transferred from Government Primary School, Nawapara (wrongly mentioned as Nawapali), Sarangarh to Government Primary School, Achanakpali, Sarangarh by an order dated 12/07/2019, however till date the petitioner has not been relieved to join the place of posting.
2. Transfer order Annexure P-1 dated 12/07/2019 is not in dispute that the petitioner has been transferred from Nawapara to Achanakpali. In case of Ms. Manisha Agrawal Vs. State of C.G. & ors. reported in 2015(4) C.G.L.J. 182 it has been held that unless and until transfer order is modified or cancelled, transfer order cannot be kept in abeyance. In the matter of Sreedam Chandra Ghosh Vs. State of Assam & ors. reported in

(1996) 10 SCC 567 the court at para 6 has held as under:-

“6. It is then contended that the transfer orders are to be enforced by the Government as per the rules in vogue and the High Court cannot interfere with these orders. We are unable to appreciate this contention also. When the Government views non-compliance of the transfer order as a serious indiscipline on the part of the erring officer and when the person complains of the non-compliance to the court, the court necessarily has to give effect to the order and give directions for enforcement thereof. Under these circumstances, we do not find any merit in the petition.”

3. Considering the same and the law laid down by this court, grievance of the petitioner that she has not been relieved till date, it is directed that the respondent shall allow the petitioner to join her transferred place of posting as per transfer order dated 12/07/2019 subject to just exception, if any.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE