

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 74 of 2020**

*{Arising out of order dated 24.10.2019 passed by the learned Single Judge in Writ
Petition (S) No. 8712 of 2019}*

- Jitendra Kumar Hirwani, son of late Shri Gendu Ram Hirwani, aged about 42 years, posted as Assistant Teacher (L.B.) Primary School Kakrel, Rajnandgaon, District Rajnandgaon (C.G.)

---- Appellant**Versus**

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

---- Respondents

For Appellant	:	Shri Ajay Shrivastava, Advocate.
For Respondent/State	:	Shri Ghanshyam Patel, 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****03.03.2020**

1. Challenge in this appeal is to the order dated 24.10.2019, whereby the writ petition filed by the Appellant challenging the transfer order dated 12.07.2019 and also dismissal of the representation dated 09.09.2019 was dismissed.

2. The facts of the case in the nutshell are that the Petitioner/Appellant who is working as Assistant Teacher (L.B.) was transferred from Primary School Kakrel to Primary School Ranitalab. The order of transfer was initially challenged in Writ Petition (S) No. 6320 of 2019, which was disposed off by the learned Single Judge directing the Petitioner/Appellant to submit a representation before the competent authority.
3. In pursuance to the order passed in Writ Petition (S) No. 6320 of 2019 Appellant submitted his representation on the grounds mentioned therein before the Collector who after considering the grounds raised by the Appellant decline to interfere with the order of transfer of Appellant. This made the Appellant to approach this Court again by filing writ petition which came to be dismissed by impugned order.
4. Learned counsel for Appellant would submit that against the order of the Collector rejecting his representation he made an application before the Coordination Committee of Senior Rank Secretaries. The Committee called for an opinion from the Collector and alongwith other opinion it was also opined that the Appellant was transferred to the school where there is deficiency of teacher, which is not correct in fact in the school where Appellant is transferred, there is excess number of teacher posted than the sanctioned strength.
5. On the earlier date of hearing, looking to the submissions made by the learned counsel appearing for the Appellant, we asked the learned counsel for the State to get instruction on the issue whether the teachers at the transferred place of posting of Appellant are in excess or not. The learned counsel for the Respondents/State on instructions submits that at present there is excess number of teacher. It is also pointed out that the Appellant has already joined the transferred place of posting and he is working since the date of his joining and in view of that no relief can be granted to the Appellant at this stage.

6. We have heard the learned counsel for the parties.
7. The representation of the Appellant has been dismissed considering the report of the Collector that there was deficiency of teachers in Primary School Ranitalab. Considering the submissions made by the learned counsel for the Appellant as well as of the learned counsel for the State as well as taking note of Annexure A/3 which is a document issued by the Block Education Officer showing list of excess teacher in different schools of Block Churiya, District Rajnandgaon including Government Primary School Ranitalab, we deem it fit and proper to direct the Appellant to file a fresh representation before a Coordination Committee within a period of two weeks from today and in turn, Coordination Committee will decide the representation within a further period of two weeks in an objective manner.
8. In view of the above, the writ appeal stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge