

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 466 of 2020**

Shamil Xalxo, S/o. Mohra Xalxo, Aged About 50 Years, Presently Working As Lecturer (Commerce) At Govt. Higher Secondary School, Kurdeg, Block Bagicha, District Jashpur, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nava Raipur, District Raipur Chhattisgarh.
2. Collector Jashpur, District Jashpur, Chhattisgarh.
3. District Education Officer, Jashpur, District Jashpur, Chhattisgarh.
4. Block Education Officer, Bagicha, District Jashpur, Chhattisgarh.
5. Principal, Govt. Higher Secondary School, Kurdeg, Block Bagicha, District Jashpur, Chhattisgarh.

----**Respondents**

For Petitioner : Mr. C.Jayant K. Rao, Advocate.

For State/Respondents : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

21.01.2020

Heard

1. Grievance of the petitioner is that the petitioner who is a Lecturer & Teacher at Government Higher Secondary School Kurdeg, Block Bagicha has been directed to be transferred/attached to the Government Higher Secondary School Mahadevdand, Block Bagicha.
2. Learned counsel for the petitioner referred to Annexure P-3 and would submit that the certificate of the Principal would reveal that there are two sanctioned post at Kurdeg and at Mahadevdand two posts are already fill up. If the petitioner who is teacher of Commerce is transferred to Mahadevdand then the study at Kurdeg would be affected and it would be difficult to run the School. It is further contended that the Block Education Officer, Bagicha, do not

have the right to transfer the petitioner as the superior authority who can transfer is the Director, Public Instructions, as per the Chhattisgarh School Education Services (Educational & Administrative Cadre) Recruitment & Promotion Rules, 2019.

3. Perusal of Annexure P-3 would show that the certificate issued by the Principal, Government Higher Secondary School Kurdeg, District Jashpur wherein categorically it is stated that if the petitioner is being posted to Mahadevdand then teaching of Kurdeg would be badly affected and therefore request has been made where the additional teachers are posted the transfer may be made from that School. The said certificate which is issued by the Principal, Government Higher Secondary School Kurdeg cannot be ignored as ultimate sufferer would be the students as the education is disturbed. Considering the same, the petitioner may file a representation to the Secretary, Education Department along with all the relevant documents within a period of two weeks who may decide the representation of the petitioner within a further period of 60 days. The petitioner shall be at liberty to place all the documents including the certificate issued by the petitioner. In the meanwhile, till the representation is decided, the transfer of the petitioner shall not be given effect to.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE