

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 603 of 2020**

Smt. Kirti Rajput, W/o. Rajendra Singh Rajput, Aged About 42 Years,
Occupation Teacher (LB) Government Middle School Tiriyabhath, Block
Saja, R/o. Village Parpodi, Post Office And Police Station Parpodi, Tahsil
Saja, District Bemetara, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, New Mantraya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. The Collector, Bemetara, District Bemetara, Chhattisgarh.
3. District Education Officer Bemetara, District Bemetara, Chhattisgarh.
4. Block Education Officer Saja, District Bemetara Chhattisgarh.

---- Respondents

For Petitioner : Mr. Pushpendra Kumar Patel, Advocate

For State/Respondents : Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****28.01.2020**

1. This is the second round of litigation. Earlier the petitioner was transferred from Govt. Middle School Tiriyabhath, Block Saja, District Bemetara to Govt. Middle School, Andhiyarkhor, Block Navagarh, District Bemetara, which was subject of challenge in WPS No.8159 of 2019 wherein this Court by order dated 01.10.2019 has passed the following orders :

“1. The challenge in the present writ petition is to the order Annexure P/1 dated 12.07.2019 whereby the services of the petitioner has been transferred from Govt. Middle School Tiriyabhath, Block Saja, District Bemetara to Govt. Middle School, Andhiyarkhor, Block Navagarh, District Bemetara.

2. Without entering into the merits of the case, the counsel for the petitioner wants that the petitioner may be permitted to make a representation to the respondents

raising the objections and grievances on her being transferred and the respondents in turn may decide the same as expeditiously as possible.

3. *Not opposed.*

4. *Accordingly, the instant Writ Petition stands disposed off with liberty to the petitioner if she so chooses may prefer a detailed representation to the respondents, which in turn considering the fact that it is a case of transfer, the respondents may decide it as expeditiously as possible preferably within a period of 30 days from the date of receipt of certified copy of this order.”*

2. Learned counsel for the petitioner would submit that subsequently the representation having been filed, the same has been dismissed without any speaking order by Annexure P-1 on 19.12.2019 and the ground which has been raised in the representation has not been considered. Therefore, the same is liable to be set aside.
3. State counsel opposes the argument and would submit that the petitioner is posted there for more than 10 years, therefore, the transfer has been made.
4. Perused the documents and the earlier order passed by this Court. During the course of argument, having specific query was made how long the petitioner is posted at Block Saja, it is contended that the petitioner is posted there for more than 10 years. The transfer being the incident of service, it is the State Government which would decide whether the particular person has to be placed or posted. Unless and until the transfer shock the conscience of Court for any reason of illegality or arbitrariness, normally the interference of the Court is not called for unless facts are shown otherwise. In view of this, I do not find any merit in this case to reconsider. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge