

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 681 of 2020**

- Rattu Rana S/o Ramdhar Rana Aged About 38 Years Working As Assistant Teacher, Potacabin, Kuakonda, Block- Kuakonda, District- South Bastar Dantewada Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh
2. The Collector District- South Bastar Dantewada Chhattisgarh
3. The District Education Officer District- South Bastar Dantewada Chhattisgarh
4. The Block Education Officer Block- Kuakonda, District- South Bastar Dantewada Chhattisgarh

---- Respondents

For Petitioner : Shri K.K. Pandey, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/02/2020**

1. Heard.
2. The grievance of the petitioner is that the petitioner who is a teacher working in Potacabin, Kuakonda, Block Kuakonda, District South Bastar Dantewada has been transferred to Government Higher Secondary School, Chhindnar, Block Geedam by order dated 16.01.2020 by the District Education Officer.
3. Learned counsel for the petitioner would submit that the said transfer has been made after the ban period of 12th of July, 2019 and as per the policy after the

said period the transfer can only be made by the recommendation of the Minister and by the Collector, therefore, the transfer is bad in law. He would further submit that apart from that the wife of the petitioner is ailing, therefore, the transfer order may be canceled.

4. Learned State counsel, as per the instructions received, would submit that the petitioner was indulged in the political activities and under the order of the Collector, the petitioner has been transferred which was carried out by the impugned order dated 16.01.2020.
5. considering the fact that the petitioner has been transferred by the District Education Officer and the transfer policy prima facie shows that after 12th of July, 2019, the transfer is to be made by the recommendation of the Minister and by the Collector, the petitioner is given the liberty to make afresh representation before the Collector within a period of 2 weeks from today and on such representation being filed the said authority shall decide the same within a further period of 45 days from the date of receipt of the representation. Till the representation of the petitioner is decided the transfer order of the petitioner shall not be given effect to if it has not been carried out till date.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu