

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 1018 of 2020**

Ramesh Singh Keram, S/o. Late Shri Alafttu Ram Keram, Aged About 50 Years, R/o. Village Tendra, Police Station Arjunda, Tahsil Cunderdehi, District Durg, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Collector, District Durg, Chhattisgarh
3. District Education Officer, Durg, District Durg, Chhattisgarh
4. Smt. Nirmala Janghel, Occupation Service, Assistant Teacher (L.B.) At Government Primary School, Chicha, Block Dhamdha, District Durg, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Govind Dewangan, Advocate
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For State	:	Ms. Richa Shukla, Dy. Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

05.03.2020

1. This is the second round of litigation. Earlier the petitioner was transferred from Govt. Primary School Chicha to Govt. Primary School Sukharikhurd, which was subject of challenge before this Court in WPS No.5672 of 2019 wherein this Court by order dated 05.08.2019 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. Primary School Chicha to Govt. Primary School, Sukharikhurd.

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 his 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 he 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.”*

5. Learned counsel for the petitioner would submit that thereafter the petitioner has made a representation, which has been decided by order dated 01.10.2019 (Annexure P-2) on the ground that the petitioner is only teacher available in the place of transfer. It is submitted that the said representation has not been decided in proper perspective manner, therefore, it is illegal and liable to be set aside.
6. State counsel opposes the argument advanced by the petitioner.
7. Considering the facts and the reasons stated in the order dated 01.10.2019 (Annexure P-2), I do not find any merit in this case to reconsider. 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. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge