

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 997 of 2020**

- Prashant Sharap S/o Shri Kalakanhu Sharap Aged About 41 Years Working As Teacher (L. B.) And Posted At Govt. Middle School Barpali, Block Baramkela, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Collector Raigarh District Raigarh Chhattisgarh
3. District Education Officer Raigarh District Raigarh Chhattisgarh
4. Block Education Officer Block Baramkela, District Raigarh Chhattisgarh
5. Head Master Govt. Middle School Barpali, Block Baramkela, District Raigarh Chhattisgarh

---- Respondents

For Petitioner : Shri U.P.S. Sahu, Advocate

For Respondents/State : Shri Avinash Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/02/2020**

1. Case of the petitioner is that the petitioner was transferred from Government Middle School Barpali, Block Baramkela, District Raigarh to Government Middle School Nadigaon, Block Baramkela, District Raigarh by an order dated 12/07/2019, however, till date the petitioner has not been able to join the place of posting.
2. Transfer order Annexure P-1 dated 12/07/2019 is not in dispute. In case of Ms. Manisha Agrawal Vs. State of C.G. & ors. reported in 2015(4) C.G.L.J. 182 it has been held that unless and until transfer order is modified or

cancelled, transfer order cannot be kept in abeyance. In the matter of Sreedam Chandra Ghosh Vs. State of Assam & ors. reported in (1996) 10 SCC 567 the court at para 6 has held as under:-

“6. It is then contended that the transfer orders are to be enforced by the Government as per the rules in vogue and the High Court cannot interfere with these orders. We are unable to appreciate this contention also. When the Government views non-compliance of the transfer order as a serious indiscipline on the part of the erring officer and when the person complains of the non-compliance to the court, the court necessarily has to give effect to the order and give directions for enforcement thereof. Under these circumstances, we do not find any merit in the petition.”

3. Learned State Counsel do not dispute the fact brought to the notice of the court by the petitioner.
4. Considering the same and the law laid down by this court, grievance of the petitioner that he has not been relieved till date, it is directed that the respondent shall allow the petitioner to join her transferred place of posting as per transfer order dated 12/07/2019 subject to just exception, if any.
5. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge