

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1087 of 2020**

- Mukeshdhar Sharma S/o Shri Rajdhar Sharma Aged About 53 Years R/o Ward No. 3, Sai Nagar, Vaishnavi Vihar, Usalapur , Bilaspur , Police Station Sakri , District Bilaspur Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary Department Of School Education, Mahanadi Bhawan, Atal Nagar, Nava Raipur , District Raipur Chhattisgarh
2. Director Department Of School Education Indravati Bhawan , Nava Raipur District Raipur Chhattisgarh.
3. District Education Officer Department Of School Education District Bilaspur Chhattisgarh. **---- Respondents**

For Petitiones : Shri S.P. Kale, Advocate

For Respondents/ State : Ms. Binu Sharma, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/02/2020**

Heard.

1. It is contended that the petitioner was initially transferred by order dated 21.08.2019 (Annexure P-2) from Govt. Higher Secondary School, Baikuntpur, District Korea to Govt. High School (Girls), Nimdha, Block Marwahi. Pursuant to such transfer the petitioner went to join at new place of posting i.e at Govt. High School (Girls), Nimdha, Block Marwahi, however, the petitioner was not given joining on the ground that the post of Lecturer (Hindi) was not vacant, therefore, he was transferred to a nearby place i.e. at Govt. Higher Secondary School, Pakaria, Block Gaurella and accordingly communication was made by the District Education Officer to Director, Department of School Education dated 17.09.2019 (Annexure P-3) to amend the transfer order and to post the petitioner at Govt. Higher Secondary School, Pakaria, Block Gaurella. Subsequently, another transfer

order was issued on 17.10.2019 (Annexure P-4) whereby the petitioner was transferred to Govt. Higher Secondary School, Pakaria, Block Gaurella and the petitioner had joined Govt. Higher Secondary School, Pakaria forthwith. He further submits that it was the communication of District Education Officer dated 17.09.2019 pursuant to which, request was made to amend the transfer to the new place i.e. Govt. Higher Secondary School, Pakaria, Block Gaurella and accordingly it was amended and the petitioner thereafter joined the new place of posting i.e. at Govt. Higher Secondary School, Pakaria, Block Gaurella. The petitioner would further submit that the transfer order having been executed it cannot be cancelled.

2. Taking into such fact and considering the communication of the District Education Officer dated 17.09.2019 where the request was made to the Director to change the place of transfer to Govt. Higher Secondary School, Pakaria, Block Gaurella on the ground that initial transferred place at Govt. High School (Girls), Nimdha, Block Marwahi, no vacant post exists for Lecturer (Hindi) and subsequently it was amended and by the amended order the petitioner was transferred to Govt. Higher secondary School, Pakaria, Block Gaurella. Considering the fact that the petitioner had already joined and executed the transfer order, the petitioner is given liberty to make a representation to Respondent No. 1 within a period of 4 weeks narrating the facts that he has already joined the new place of posting i.e. Govt. Higher secondary School, Pakaria, Block Gaurella and suitable orders may be issued by Respondent No. 1 accordingly. Consequently in the background of the facts, the cancellation of the transfer order of the petitioner dated 13.02.2020 shall not be given effect to till the representation is decided.
3. With the aforesaid observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti