

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 1608 of 2020**

Asgar Khan, S/o. Shri Noor Dad Khan, Aged About 42 Years, R/o. Talapara, Kumhar Gali, Bilaspur, District Bilaspur 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 Bilaspur, District Bilaspur, Chhattisgarh
3. District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh
4. Block Education Officer, Kota, District Bilaspur Chhattisgarh
5. Navneet Tamboli, Assistant Block Education Officer, Kota, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Arvind Kumar Dubey, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****06.03.2020**

1. This is the second round of litigation. Earlier the petitioner was transferred from Kota, District Bilaspur to Malkharoda, District Janjgir-Champa, which was subject of challenge before this Court in WPS No.6609 of 2019 wherein this Court by order dated 28.08.2019 has passed the following orders :

"1. The challenge in the present writ petition is to the order Annexure P-1 dated 21.08.2019. Vide the said impugned order the petitioner has been transferred from the Kota, District Bilaspur to the Malkharoda, District Janjgir-Champa.

2. The contention of the petitioner is that the petitioner is a State Level Secretary of Chhattisgarh Sahayak Vikaskhand Shiksha Adhikari Sangh and therefore he falls within the protected category under the transfer policy of the State Government.

3. Given the aforesaid facts that petitioner is a State Level Secretary of the aforementioned Sangh, let petitioner make a detailed representation within a period of 15 days from today and on receipt of the representation, the respondent authorities shall take a decision within a period of 45 days.

4. Till the representation of the petitioner is decided, the effect and operation of the impugned order Annexure P-1 shall remain stayed so far as the petitioner is concerned.

5. With the aforesaid observations, the writ petition stands disposed of."

2. Learned counsel for the petitioner would submit that the father of the petitioner is paralyzed, completely dependent and bedridden; therefore in order to take care of his father, the petitioner has to visit Apollo Hospital frequently. Under those circumstances, the petitioner's transfer should have been reconsidered and he may be placed nearby Bilaspur; however, the same has not been considered by the Grievance Redressal Committee while dismissing the representation on 18.10.2019.
3. Perused the order of the Grievance Redressal Committee rejecting the representation, having gone through the same, I do not find any reason to interfere. However, since the representation purports that the medical ground has also been raised for the ailment of the father alongwith medical documents, it appears that the said ground has not been dealt with by the Grievance Redressal Committee. Under the circumstances, the petitioner is at liberty to make a representation to the respondent No.1, Secretary, School Education Department, along with the necessary documents and thereafter the Secretary may pass the suitable orders.
4. In view of the above, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge