

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1607 of 2020**

Brijendra Sharma S/o Late Shri A.K. Sharma Aged About 49 Years
Administrative Officer, Government Nursing College, Raipur, District Raipur
Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Health, Family Welfare And Medical Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. The Deputy Secretary Medical Education Department, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. The Director Medical Education Department, Old Nurses Hostel, Raipur

---- **Respondents**

For Petitioner	:	Shri Prafull N. Bharat, Advocate.
For State	:	Shri Avinash Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/03/2020

Heard.

1. Learned counsel for the petitioner would submit that the petitioner has been subjected to mid term transfer on 2/03/2020 by Annexure P-1 and he has been transferred from Government Nursing College, Raipur to Government Nursing College, Raigarh. He would submit that as per the transfer policy 3.1 after the period of 14/08/2019 there was ban was existing unless it is coordinated by the approval and concurrence with the concerned minister and the transfer policy 5.5 particularly purports that the transfer order should specifically reflect that under what circumstances and background the coordination has been obtained. He

further submits that apart from that transfer policy 2.11 purports that the husband and wife normally are to be kept at same place and the wife of the petitioner is working as Audit Officer in Indian Audit and Accounts Department as per Annexure P-3. He further submits that the transfer has been made at the behest of respondent No.3, The Director, Medical Education Department tainted with malice and the impression is being drawn that certain contempt proceeding which have been initiated against the Director, Medical Education Department was at the behest of the petitioner. He further submits that the petitioner has taken the charge of Nursing College in the year 2018 itself, therefore even three years have not completed, consequently, transfer may be stayed.

2. Perused the documents filed alongwith the petition.

3. Considering the grievance raised by the petitioner and the wording of the transfer order and further reading the transfer policy 3.1 and 5.5 as also 2.11, the petitioner is given liberty to make a representation to the Grievance Redressal Committee within a period of three weeks from today. The petitioner shall also be at liberty to plead all the grounds alongwith the fact that the petitioner's wife is working at Indian Audit and Accounts Department, Raipur and also alongwith the medical document of the wife. Taking into such fact, if such representation is filed, same shall be decided within a further period of 60 days from the date of receipt of representation. Till then the transfer order dated 2/03/2020 (Annexure P-1) in respect of the petitioner shall not be given effect to.

4. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge