

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3709 of 2020**

Smt. Gayatri Verma W/o Ishwar Verma, Aged About 52 Years R/o. Devkar,
Post Devkar, Block Saja, District Bemetara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. The Collector, Bemetara, District Bemetara Chhattisgarh
4. District Education Officer, Bemetara, District Bemetara Chhattisgarh
5. Block Education Officer, Berla, District Bemetara Chhattisgarh

---- Respondents

For Petitioner : Mr. Pushpendra Kumar Patel, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

21.09.2020

Heard

1. The petitioner was transferred on 12.07.2019 from Kodwa to Kumhiguda School and against such transfer order, the petitioner has preferred a writ petition wherein this Court in WPS No.6048 of 2019 on 14.08.2019 has passed the order to decide the representation of the petitioner within 45 days.
2. Learned counsel for the petitioner submits that the petitioner thereafter made a representation which was decided on 25.06.2020 (Annexure P-2) and recently the petitioner has been served with a letter dated 13.08.2020 (Annexure P-1) whereby the petitioner has been asked to join the place of

transfer. He would submit that the said relieving of the petitioner at pandemic period is against the circular of the State dated 27.05.2020 and clause 2.4 of the said circular purports that the transfer may not be effected during this period.

3. On the other hand, learned State counsel opposes the argument and would submit that the distance in between the place of transfer is only 15 Km and fresh transfer order has not been made, it is only the earlier transfer order dated 12.07.2019 which is being executed.
4. Heard learned counsel for the parties and perused the documents.
5. On the earlier occasion too, the petitioner has preferred a petition, wherein this Court has only given liberty to the petitioner to file a representation. The said representation having been decided on 25.06.2020 by Annexure P-2, no fresh cause of action arises to interfere with the earlier transfer order. Furthermore, the transfer is said to be within 15 Km distance, therefore, I do not find any plausible reason too to interfere in the order dated 13.08.2020, which only mandates to execute the earlier transfer, which was made on 12.07.2019. 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.

Aks

Sd/-
Goutam Bhaduri
Judge