

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5407 of 2020**

Smt. Pooja Shukla W/o Shri Nirmal Kumar Sharma, Aged About 33 Years
Presently Posted As Assistant Grade- III At Government Higher Secondary
English Medium Excellent School, Mahalpara, Block Baikunthpur, District
Koriya Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur Chhattisgarh
3. Director, Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh
4. Joint Director, Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh
5. Collector, Koriya, District Koriya Chhattisgarh
6. District Education Officer, Koriya, District Koriya Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Diksha Gouraha, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/12/2020

1. The order under challenge in the present writ petition is the order dated 08.12.2020 whereby the petitioner has been transferred from Mahalpara, Baikunthpur, District Koriya to Block Khadgawan, District Koriya.
2. Primary contention of the petitioner is that the school where the petitioner was presently working has been subjected to conversion to English

Medium School, while the conversion was being made a policy decision was taken by the respondents not to disturb the service condition of the Non Teaching Staff of the school. Contrary to the same the impugned order of transfer now has been issued disturbing the petitioner from one place to another. The other ground of challenge is that the petitioner is presently undergoing on maternity leave and child of the petitioner also requires medical attention which can only be provided at the present place of posting.

3. Perusal of the record would show that conversion of the school from Hindi Medium to English Medium done as early as in March, 2020 and the impugned order now has been issued almost 9 months back, the impugned order does not reflect the order to have been made on the basis of conversion.
4. On a query being put to the learned counsel for the petitioner it was admitted that the services of the petitioner was transferable service. Moreover, the distance between the two place of posting is too short a distance.
5. For all the aforesaid reasons, this Court is not inclined to entertain the writ petition at this juncture, however the right of the petitioner stands reserved for moving an appropriate representation to the respondent No.1 in respect of the grievance that she has upon transfer order being complied with. On such representation being made respondent should take appropriate decision considering the facts and circumstances sympathetically at the earliest.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/
(P. Sam Koshy)
Judge