THE HIGH COURT OF MADHYA PRADESH
W.P. No.10284/2020
(**RAJARAM PARTE Versus THE STATE OF MADHYA PRADESH**)

Jabalpur, Dated: 28.07.2020

Heard through Video Conferencing.

Shri Parag S. Chaturvedi, learned counsel for the petitioners.

Shri Swapnil Ganguly, learned Deputy Advocate General for the respondents/State.

This petition has been filed by the petitioners-husband and wife who both have been transferred from District Balaghat to District Chhatarpur by a common order dated 02.07.2020 (Annexure P/3).

The contention of the learned counsel for the petitioners is that the mother of the petitioner No.1 is suffering from diabetes. It is further stated that the petitioners have a daughter and a son who are studying in Class-12 and Class-9 respectively. It is stated that the petitioners have been transferred in the mid session which is going to adverse effect the study of their daughter who is at a crucial stage. Learned counsel for the petitioners undertakes that the petitioners will join the transferred place as soon as the examination of Class-12 is over.

Learned Deputy Advocate General for the respondent/State submits that at the same place the petitioner No.1 is posted from the year 2001 and the petitioner No.2 is posted from the year 2004; they have stayed at one place for more than 16 years, hence for this reason they have been transferred.

Considering that this is a crucial period for education of the daughter of the petitioners who is studying in Class-12 and considering the undertaking given before the Court by the learned counsel for the petitioners, it is directed that the petitioners shall submit a representation before the concerned authority within a period of one week from today along with school certificates of their daughter and an undertaking that they will join the transferred place as soon as the examination of Class-12 is over, the authority in turn shall decide the same on humanitarian ground, within a further period of eight weeks keeping in view the undertaking given by the petitioners.

As an interim measure, till then the impugned order dated 02.07.2020 (Annexure P/3) shall remain stayed.

It is made clear that this Court has not opined on the merits of the case.

With the aforesaid direction, this petition stands **disposed of**.

Certified copy/e-copy as per rules/directions.

(Nandita Dubey)
Judge

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