

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 42 of 2020

1. Shewta Gupta D/o Devendra Kumar Gupta Aged About 27 Years
Occupation - Service, Presently Working As Hostel
Superintendent, Pre-Matric Schedule Tribe Girls Hostel, Bilha,
District Bilaspur, Chhattisgarh, R/o Arvind Marg, Sarkanda,
Bilaspur, Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Schedule
Tribe And Schedule Caste Development, Mahanadi Bhawan,
Mantralaya, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Commissioner Schedule Tribe And Schedule Caste Development,
Indrawati Bhawan, Atal Nagar, Raipur, District Raipur,
Chhattisgarh.
3. Collector (Tribal Welfare) Bilaspur, District Bilaspur, Chhattisgarh
4. Assistant Commissioner Tribal Development, Old Composite
Building, Bilaspur, Chhattisgarh.
5. Smt. Mamta Singh Hostel Superintendent, Tribal Development
Office, Old Composite Office, Bilaspur, Chhattisgarh.

---- Respondent

For Appellant	:	Shri Malay Shrivastava, Advocate
For Respondent /State	:	Shri Vivek Ranjan Tiwari, Addl. Adv. General with Shri Chandresh Shrivastava, Dy. Adv. General
For Respondent No.5	:	Shri Pranjal Shukla, Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu. J.

Order On Board

By

Prashant Kumar Mishra, Ag. CJ.

17-06-2021

1. The appellant herein (henceforth 'the petitioner') had called in question her transfer from the post of Hostel Superintendent, Pre-Matric Schedule Tribe Girls Hostel, Belha to Pre-Matric Schedule Tribe Girls Hostel, Sarkaripara, Pendra.
2. The learned Single Judge dismissed the writ petition on the ground that there is no confusion in respect of posting of the respondent No.5, as the order has been corrected by the State by posting said Smt. Mamta Singh at Pre- Matric Schedule Tribe Girls Hostel, Belha.
3. The appellant is working at Belha since January, 2018. Despite dismissal of the writ petition the petitioner was not relieved from Belha and she continued to remain posted there for the last more than three years. Thus, the transfer order has not been acted upon and this Court has passed an interim order of *status quo* in favour of the petitioner on 20th January, 2020.
4. In the above situation, we deem it appropriate to dispose of the writ appeal with the observation that the order dated 4-1-2019 (impugned order in the writ petition) by which the petitioner was transferred from Belha to Sarkaripara, Pendra, shall not be acted upon against the petitioner, however, the respondent/State would be at liberty to pass a fresh order in respect of the petitioner, if administrative exigency so arises.
5. Accordingly, the writ appeal stands disposed of.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Gowri