

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 750 of 2021

1. Narendra Kumar Dahariya Son Of Shri Tantu Ram Dahariya Aged About 47 Years Posted As Assistant Jail Superintendent, District Jail, Raigarh, District- Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (Chhattisgarh)
2. The Director General Jail And Corrective Services, Jail Headquarter, Chhattisgarh,
3. The Superintendent Of Jail Raigarh, District- Raigarh (Chhattisgarh)
4. Rajendra Kumar Banjare Assistant Jail Superintendent, Presently Posted At Sub-Jail, Narayanpur (Chhattisgarh)
5. S.P. Kurre Assistant Jail Superintendent, Presently Posted At Sub-Jail, Bemetara (Chhattisgarh)

---Respondents

For Petitioner	:	Shri Goutam Khetrapal, Advocate.
For State	:	Ms. Akanksha Jain, Dy. G.A.
For Resp No. 4 & 5	:	Shri R.R. Soni, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.02.2021

1. The challenge in the present writ petition is to the order of transfer dated 25.01.2021 transferring the petitioner from Raigarh to Narayanpur.
2. The challenge in the present writ petition is on the ground that at the present place of posting, the petitioner has come only in February 2019 and in a short span of time, he is being again shifted. The second ground of the petitioner is that the petitioner has in the past worked in Schedule area for a period between June 2017 to February 2019 thus he can not be now again sent to a schedule area.
3. The third ground of the petitioner is that one of child of the petitioner who is pursuing his 10th standards study and is facing the board examination,

therefore at this juncture, the study of the son would get adversely affected.

4. All the grounds which the petitioner has raised does not find any merits in the opinion of this Court for the reason that at the present place of posting, the petitioner seems to have already served for about two years. Moreover, the petitioner in the past has worked in schedule area only for a period of one and half year and which again show that he has not worked for a considerable period of time according to the Transfer Policy of the State Authorities.
5. As regards the study of the child is concerned, it would always be open for the petitioner to approach the respondent No. 1 who has issued the order of transfer in respect of personal inconvenience that the petitioner has so far as compliance of the order of transfer is concerned or even deferring the same for some time. Upon such representation being made, the respondent-authorities would be duty bound to consider the same in accordance with Policy governing the filed.
6. Another reason why this Court is reluctant to entertain the petition is the submission that has been submitted by the counsel for the respondents No. 4 & 5 to state that the order of transfer so far as Respondents No. 4 & 5 are concerned have been duly complied with and as such respondent No. 5 has already assumed his duty at the place from where the petitioner has been transferred i.e. Raigarh.
7. Reserving the right of the petitioner to approach the authorities by way of a representation. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha