

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 965 of 2021**

Indrajeet Jatav S/o Late Shri Gangaram Yadav, Aged About 38 Years,
Working As Assistant Teacher (LB), Primary School, Motinagar, Block-
Kusmi, District Balrampur Ramanujganj (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. The District Education Officer, District Balrampur Ramanujganj (Chhattisgarh)
3. The Block Education Officer, Kusmi, District Balrampur Ramanujganj (Chhattisgarh)
4. The Chief Executive Officer, Zila Panchayat, District Balrampur Ramanujganj (Chhattisgarh)
5. The Chief Executive Officer, Janpad Panchayat, Kusmi, District Balrampur Ramanujganj, Chhattisgarh
6. Bitan Ram Banshi, Working As Assistant Teacher (LB), Through Block Education Officer, Kusmi, District Balrampur Ramanujganj (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Mr. Raj Kumar Gupta, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.02.2021**

1. The challenge in the present writ petition is to Annexure P-1 dated 11.11.2020 whereby the petitioner has been transferred/posted from Primary Shcool, Motinagar, Block Kusmi to Primary School, Bhutahi, Block Kusmi.
2. The two grounds on which the challenge has been made is that firstly the impugned order seems to be an order of attachment and secondly the same has been passed with malafide intention for the reason that the petitioner at the instance of the higher authorities in the department got the school whitewashed and raised certain bills for the expenditure incurred. However, the authorities concerned were not releasing the said amount and on the other hand, they started harassing the petitioner and the impugned order is now the result of the said harassment. Another ground of the petitioner is that as per the circular of the State Govt. the attachment of any employee from his substantial place of posting to another station, is not permissible thereby the impugned order to that extent also is not sustainable.
3. Perusal of the record would show that the impugned order Annexure P-1 does not reflect to be an order of attachment rather it is only an order passed by the District Education Officer temporarily posting the petitioner from one place to another within the same Block.
4. Given the short distance between the two schools, this Court is not inclined to interfere with the impugned order of transfer of the petitioner.
5. However, So far as the two other claims that the petitioner has raised firstly in respect of the expenditure incurred by him towards whitewashing of the school and secondly the salary for the period between July, 2020 till the date of relieving of the petitioner are

concerned, the respondents 2 & 3 shall immediately look into the matter and consider whether the petitioner is entitled for the expenditure incurred in the course of whitewashing of the school and also verify as to why the petitioner has not been paid salary from July, 2020 till the date of relieving of the petitioner. Let an appropriate decision in this regard be taken within a period of 45 days from the date of receipt of copy of this order.

6. Needless to mention that the petitioner would also be at liberty to approach the respondent authorities in case he seeks for a change so far as the place of his posting is concerned.
7. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**