

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1187 of 2021**

1. Bhupendra Kuldeep S/o Late Shri Jagmohan Kuldeep, Aged About 46 Years Working As Deputy Registrar, Hemchand Yadav University Durg (Chhattisgarh),
----- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, Post Office Mantralaya, P.S. Rakhi, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Hemchand Yadav University Durg (Chhattisgarh), Throuhg the Vice Chancellor, Hemchand Yadav University Durg District : Durg, Chhattisgarh
3. The Registrar, Hemchand Yadav University Durg Chhattisgarh.

----- Respondents

For Petitioner	:	Mr. V.V. S. Murti, Sr. Advocate along with Shri Vipin Tiwari, Advocate.
For State	:	Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/02/2021**

1. The challenge in the present writ petition is to the impugned orders Annexure P/1 dated 02.02.2021 and also Annexure P/2 dated 08.02.2021.
2. Vide the Annexure P/1, the service of the petitioner has been transfered from Hemchand University Durg Chhattisgarh to Sant Gahira Guru University Sarguja Distt. Ambikapur. Vide the impugned order Annexure P/2, the respondents have issued an exparte relieving order to the petitioner.
3. The contention of the petitioner assailing the impugned order of transfer is that the petitioner as of now was discharging his duty of Dy. Registrar at the University of Durg. The petitioner was In-charge of the examination

cell of the University. That as of now since it is culmination of the present academic session of 2020-2021, the presence of the petitioner was utmost required at the present place of posting or else functioning of the University so far as conducting of the examination would get adversely hampered. The second ground of the petitioner is that, wife of the petitioner is also a Government employee and posted at District Durg. As per the Transfer Policy, both the husband and wife as far as possible should be retained at the same place. The next ground put forth by the petitioner is that son of the petitioner also is studying in Class- 11 and is undergoing his studies in Kendriya Vidyalaya at Durg, where the examination of the said class is around the corner and at this juncture transferring of the petitioner may have an adverse impact on study of his son.

4. The counsel for the petitioner submits that the Registrar of the University at Durg has recommended for retaining the petitioner at the present place at-least for the present academic session, which is Annexure P/8 dated 27.01.2021.
5. The State Counsel on the other hand submits that the impugned order prima facie appears to have been passed on the Administrative exigency that was required and that the petitioner at the present place of posting himself has served for a considerable period of time, therefore there is hardly any scope of interference for the same. The State Counsel further submits that the impugned order also seem to have been passed after meeting all the requirement under Transfer Policy of the State Government.
6. Having heard the contentions put forth on either side and on perusal of records, this Court is of the opinion that considering the ground that the petitioner is posted on the post of Dy. Registrar shifting of a person

holding certain information, particularly the person who is In-charge of the Examination cell would be detrimental. Likewise, the two grounds raised by the petitioner firstly of his wife being a Government employee at District Durg and the son of the petitioner also facing examination of Class-11, in the larger interest of justice, it would be more appropriate, if the impugned order of transfer is given effect to atleast after the present academic session is over as it is already half of the month of February also being over and it is only a matter of month or so for the academic session to come to an end.

7. In view of the same, it is ordered that the two orders Annexure P/1 & P/2 i.e. the order of transfer and the order of relieving as of now be kept in abeyance till the present academic session is over and the petitioner be relieved from the service immediately after the academic session is over. The disposal of the writ petition would not preclude the petitioner from approaching the respondent-authorities requesting for any change of place of posting on the Administrative exigency.
8. With the aforesaid direction, the writ petition accordingly stands disposed of

Sd/-
(P. Sam Koshy)
Judge

Jyotijha