

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1412 of 2021**

Dr. Manoj Kumar Rao S/o Shri Daroga Rao, Aged About 41 Years
Presently Posted And Working As Assistant Professor (Psychology)
Bhanupratap Dev Government P.G. College, Kanker, District Kanker (U.B.)
Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
2. Commissioner, Directorate Of Higher Education, Block - C-30, 2nd And 3rd Floor, Indrawati Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal, Bhanupratap Dev Government P.G. College, Kanker, District Kanker (U.B.) Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shashank Thakur, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

08/03/2021

1. The challenge in the present writ petition is to the order of transfer dated 08.02.2021 whereby the petitioner, who is working on the post of Assistant Professor (Psychology) has been transferred from Kanker to Dantewada.
2. According to the petitioner, the impugned order has been passed in utter violation of the transfer policy to the extent that the petitioner

has been working in a scheduled area for last more than 7-8 years and as per the guidelines the petitioner ought to had been considered for being transferred in a non-scheduled area, but on the contrary the petitioner has now been sent to another scheduled area.

3. The second ground that the petitioner has assailed is that the order of transfer has been made in the mid academic session and the child of the petitioner would be facing the examination from 15th March, 2021 and therefore at this juncture shifting of the petitioner from the present place to Dantewada would affect the educational career of the child of the petitioner.
4. Learned State counsel on the other hand opposing the petition submits that the plain reading of the impugned order itself would show that the same has been issued temporarily taking into consideration the administrative exigency.
5. Given the submissions made by the counsel for the parties and also taking note of the ground reality, so far as the educational front of the petitioner's child is concerned, this Court is of the opinion that, let the respondents authorities not issue the relieving order to the petitioner for a period of 30 days i.e. till 8th of April, 2021 enabling the examination of petitioner's child to get over, only thereafter the respondents shall issue the relieving order.
6. Meanwhile, the petitioner would also be at liberty to approach the authorities by way of an appropriate representation seeking for any modification or change in the place of posting is concerned, to which

if made, the same shall also be considered in accordance with Rules and Guidelines governing the field.

7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved