

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2513 of 2021**

Jitendra Kumar Jangde S/o N. P. Jangde, Aged About 38 Years
Working As Technical Assistant, R/o Quarter No. G-5, Engineering
College Campus Koni, Bilaspur, District Bilaspur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
Technical And Higher Education, Mahanadi Bhawan, Atal Nagar,
Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Director, Department Of Technical Education, Indravati Bhawan,
Block-3, Atal Nagar, Raipur, District Raipur, Chhattisgarh
3. Principal, Government Engineering College, Bilaspur, District
Bilaspur, Chhattisgarh
4. Ravi Singh, Working As Lab Technician At Govt. Polytechnic
College Durg, District Durg, Chhattisgarh
5. Mahender Singh, Working As Lab Technician At Govt. Girls
Polytechnic College, Jagdalpur, District Bastar, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Ravipal Maheshwari, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/06/2021

1. The present writ petition has been filed assailing the order dated 25.02.2020 whereby the request for a transfer by the petitioner has been turned down.
2. According to the petitioner, he was appointed on the post of Lab Technician vide order dated 13.09.2013. He was posted at

government Engineering College, Bilaspur and since then he has been regularly working on the said post. Meanwhile, he has also been promoted to the post of Technical Assistant. It is the contention of the petitioner that his wife is also a government employee working as a Lecturer at Janpad Panchayat Fingeshwar, District Gariyaband. The petitioner had moved an application for being transferred to a place where his wife is working or a nearby place anywhere adjoining. It is this request which has been turned down on the ground that the petitioner is an institutional employee appointed by the Principal and therefore he could not be transferred.

3. Learned counsel for the petitioner at this juncture submits that it is a case where two persons who were appointed along with the petitioner with the same appointment order dated 13.09.2013 i.e. respondents 4 & 5 meanwhile not being satisfied with the original place of posting had approached the respondents and the respondents vide Annexure P-5 dated 20.07.2016 allowed their request and changed their place of posting. According to the petitioner, if posting order of respondents 4 & 5 could be modified or changed by the respondents vide Annexure P-5, there is no reason why the services of the petitioner also should not be sympathetically considered taking into consideration the genuine hardship and inconvenience that the petitioner faces in the absence of his family. Counsel for the petitioner referred to the transfer policy where as per the policy, husband and wife who are both government employees should as far as possible have to be accommodated at the same place, if not, at a nearby place.

4. Since the place of posting or the transfer of an employee from one place to another are all matters on the administrative front exclusively within the domain of the State Govt. or the employer as the case may be, the scope of issuance of a writ exercising the writ jurisdiction becomes too minimal. Though the respondents have already turned down the representation of the petitioner but in the light of the information that the petitioner could obtain in respect of accepting the change of place of posting of respondents 4 & 5, the claim of the petitioner could definitely be considered by the authorities.
5. In view of the same, in the opinion of this Court it would be more in the interest of justice if the matter stands remitted back to the authorities for a fresh consideration of the claim of the petitioner for a suitable transfer. The authorities are expected to sympathetically consider the claim of the petitioner and while deciding the same, they shall also keep in mind the order dated 20.07.2016 whereby the respondents 4 & 5 who are identically placed as that of the petitioner have been shifted from their original place of posting by way of transfer.
6. The matter accordingly stands remitted back to the respondent no.2 for a fresh decision to be taken at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge