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HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) No. 4128 of 2021**

- Arjun Ram Dewangan, S/o Late Shivdayal Dewangan, aged about 59 years, presently posted as Block Education Officer at Ambagarh Chouki, District Rajnandgaon, R/o Ward No.02, Ambagarh Chouki, District Rajnandgaon (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur (CG)
2. Under Secretary, Department of School Education, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (CG)
3. Director, Directorate of Public Instruction, Block-II, 2nd Floor, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur (CG)
4. Collector, Rajnandgaon, District Rajnandgaon (CG)
5. District Education Officer, Rajnandgaon, District Rajnandgaon (CG)
6. Shyam Kumar Dhiwar, Block Education Officer, Ambagarh Chouki, District Rajnandgaon (CG)

... Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate.
For Respondent State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/08/2021**

1. Aggrieved by the order of transfer dated 27.7.2021, the present Writ Petition has been filed by Petitioner.
2. Vide impugned order dated 27.7.2021, the Petitioner has been transferred from the post of Block Education Officer, Ambagarh Chowki, District Rajnandgaon to the post of Principal, Government Higher Secondary School, Mohla, District Rajnandgaon.
3. The challenge is primarily on ground that the Petitioner was on an earlier occasion vide order dated 22.2.2021 shifted from the post of Block Education Officer, Ambagarh Chowki, Rajnandgaon to Government High School, Goplinchuwa Chowki, Rajnandgaon.

4. The said order dated 22.2.2021 was subjected to challenge in WPS No.1630/2021. This Court had disposed of the said Writ Petition on 6.4.2021 permitting the Petitioner to make a representation to Respondent Authorities who in turn were directed to consider and decide the representation on its own merits at the earliest, preferably within a period of 60 days, particularly considering the aspect of competency of the District Education Officer who had issued the order dated 22.2.2021.

5. According to learned Counsel for Petitioner, the Petitioner has subsequently made a representation to Respondent Authorities which is still pending consideration when the impugned order now has been passed.

6. The said ground raised by Petitioner may not be sustainable for the reason that while disposing of WPS No.1630/2021, this Court had not granted any interim protection against the earlier order of transfer dated 22.2.2021. Moreover, this Court had not precluded the State Government from issuance of fresh order of transfer. It also does not seem that the order of the District Education Officer, dated 22.2.2021, was acted upon. In view of the same, the order dated 22.2.2021, transferring the Petitioner from the post of Block Education Officer, Ambagarh Chowki, Rajnandgaon to Government High School Goplinchuwa Chowki, Rajnandgaon, has lost its efficacy.

7. Competency of the Authority who has issued the impugned order in the present Writ Petition is not under challenge. It is also not in dispute that the office of the Petitioner is one which is transferable. During the course of hearing, it has been revealed that the Petitioner has been working on the post of Block Education Officer since 2012 onwards as such he has put in more than seven years of service at the same place.

8. Given the said facts and circumstances of the case, this Court does not find any strong case made out by Petitioner calling for an interference with the impugned order. If at all, if the Petitioner is not satisfied with the new place of posting, the only recourse available to him is to make a representation to the Authorities concerned who shall consider and decide the same on its own merits in accordance with law.

9. With aforesaid observations, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sbarad/