

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5120 of 2021**

Ravindra Kumar Shrivastava S/o Late Shri Shiv Mohan Lal Shrivastava, Aged About 42 Years Posted As Teacher (L.B.) At The Govt. Middle School Sirki, Block Office Pondi-Uproda, Tahsil Pondi- Uproda District Korba Chhattisgarh R/o Ring Road No. /02, Shanti Nagar Bilaspur Chhattisgarh. Pin 495001

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan Atal Nagar New Raipur Chhattisgarh, Tahsil And District Raipur Chhattisgarh
2. The Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar New Raipur Chhattisgarh, Tahsil And District Raipur Chhattisgarh
3. Commissioner Bilaspur Division Bilaspur, Tahsil And District Bilaspur Chhattisgarh
4. Collector Korba, District Korba, Tahsil And District Korba Chhattisgarh
5. District Education Officer Korba, District Korba, Tahsil And District Korba Chhattisgarh
6. Block Education Officer Pali District Korba Office Of The Block Education Officer Pali, Tahsil Pali, District Korba Chhattisgarh
7. Shri Ajmer Singh Kanwar, Aged About 50 Years Posted As Teacher (L.B.) At The Middle School Ghuihuwa, Block Pali, Tahsil Pali, District Korba Chhattisgarh

----Respondents

For Petitioner	:	Mr. Vijay K. Deshmukh, Advocate
For State	:	Mr. Amit Buxy, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/09/2021**

1. Aggrieved by the inaction on the part of the respondents in not relieving the petitioner inspite of petitioner being transferred vide order dated 12.07.2019, the present writ petition has been filed.

2. The petitioner is presently posted as Teacher (L.B.) at the Govt. Middle School, Sirki, Block Office Pondi-Uproda, Tehsil Pondi-Uproda, District Korba. Vide order dated 12.07.2019 the petitioner has been transferred to Middle School Ghuichuwa, Pali, Korba. Though more than two years have passed, till date the petitioner has not been relieved which has led to the filing of present writ petition.
3. The counsel for the petitioner submits that as per instructions received, the said order dated 12.07.2019 till date has not been modified, cancelled or amended in any manner so far as petitioner is concerned or at least the petitioner has not been intimated in this regard, if any such order has been passed. According to petitioner the present writ petition can be disposed of in the light of decision rendered by this High Court in case of **“Manisha Agrawal Vs. State of Chhattisgarh & Others”, 2015 (4) CGLJ 182.**
4. The State counsel on the other hand submits that perhaps non-relieving would be on account of no reliever being available upon whom the petitioner could hand over the charge which also is one of the requirement for compliance of the order of transfer for the persons posted in the scheduled or core scheduled areas.
5. Be that as it may, reiterating the legal position as has been laid down in case of **Manisha Agrawal** (Supra) which till date holds good, indisputably there is an order transferring the petitioner from Middle School, Sirki, Pondi-Uproda to Middle School, Ghuichuwa, Pali. The said order, if the contentions of the petitioner is to be believed, till date has not been modified, amended or cancelled.

6. Under the circumstances, the order passed by the respondents on the administrative side taking into consideration administrative exigency is required to be followed or complied with in its letter and spirit. The order of transfer cannot be presumed to become redundant only on account of respondents not relieving the petitioner.
7. Given the said facts, the writ petition at this juncture stands disposed of directing the respondents under whom the petitioner is working to ensure that appropriate steps is taken at the earliest for compliance of the order of transfer in its letter and spirit so far as petitioner is concerned. Let appropriate decision on the administrative side be taken at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge