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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 19th OF JANUARY, 2024

WRIT PETITION No. 1340 of 2024

BETWEEN:-

**SMT. NEERAJ SHARMA W/O SHRI MUKESH SHARMA,
AGED ABOUT 49 YEARS, OCCUPATION: PRIMARY
TEACHER WARD NO. 6 NEAR NAGAR PANCHAYAT
CHACHODA DISTRICT GUNA (M.P.) (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI R.K. UPADHYAY - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. COMMISSIONER DIRECTORATE OF PUBLIC
EDUCATION GAUTAM NAGAR (MADHYA
PRADESH)**
- 3. DIST. EDUCATION OFFICER GUNA (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI SUSHANT TIWARI - GOVERNMENT ADOVCATE FOR STATE)

.....
*This petition coming on for admission this day, the court passed the
following:*

ORDER

The present petition under Article 226 of the Constitution of India has been filed by the petitioner being aggrieved by transfer order dated 21.12.2023 whereby the petitioner has been transferred from Government Boys Primary School Chachoda to Government Primary School Mansurkho, District Guna.

2. It is submitted by Counsel for the petitioner that the impugned transfer order dated 21.12.2023 issued by respondent No.2, by which she has been transferred to Government Primary School Mansurkho, District Guna, which is approximately more than 80 kms, away from her place of posting, that too in the Mid Session and if the petitioner is forced to join at her new place of posting great hardship is likely to be faced by the petitioner in managing the family affairs at too such far places.

3. It is further submitted that the petitioner has been elected as President of Madhya Pradesh State Employees Association (Tahsil) Chachoda vide Annexure P/2 which is a Government Recognized Association and as per Clause 33 of the Transfer Policy (Annexure P/4), the office bearers of any union are required not to be transferred for consecutively for two terms, in tendon of two years thus totaling four years and since the petitioner is the President of Madhya Pradesh State Employees Association (Tahsil) Chachoda, she should not have been transferred as it is his first tenure.

4. On the basis of the above arguments, a limited prayer has been made by counsel for the petitioner that if the respondents/authorities are directed to decide the pending representation/application (Annexure P/3) dated 29.12.2023 in accordance with law in a time bound manner, her grievance would be redressed.

5. *Per contra*, learned Government Advocate though submits that since the transfer is in exigence of service and it has been passed due to administrative exigency, the same should not be interfered with, but he candidly admits that if directions are issued to the competent authority to decide his representation, he has no objection.

6. Looking to the limited prayer made by the counsel for the petitioner

which is not opposed by the counsel for the respondents/State, this petition is disposed off with a direction to the respondent/Competent Authority to consider and decide the representation of the petitioner (Annexure P/3) dated 29.12.2023 by passing a reasoned and speaking order within a period of **two weeks** from the date of receipt of the certified copy of this order, in accordance with law. Till the representation is decided, the effect and operation of the impugned order dated 21.12.2023, so far as it relates to the petitioner, shall remain stayed.

7. It is made clear that this Court has not gone into the merits of the case.

8. With the aforesaid directions, the present petition is **disposed off**.

E-copy/certified copy as per rules.

(MILIND RAMESH PHADKE)
JUDGE

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