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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7875 of 2026

Dr. Biru Lal Bargah S/o Shri Dashrath Lal Bargah Aged About 47 Years Presently Working As An Assistant Professor (Hindi) At Rajiv Gandhi Government College, Simga, District Balodabazar-Bhatapara, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through- The Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)

2 - Under Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)

3 – Commissioner, Directorate Higher Education Department, Indrawati Bhawan, Naya Raipur, District- Raipur (C.G.)

... Respondents

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. C.J.K. Rao, Advocate
For Respondents/ State	:	Mr. Shreyansh Mehta, Panel Lawyer

(HON’BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

03/11/2026

1. By the present writ petition, the petitioner seeks quashment of the impugned transfer order dated 26.10.2026 (Annexure P/1),

whereby the petitioner has been transferred from Rajiv Gandhi Government College, Simga District Balodabazar-Bhatapara to Government Rajmahant Nayan Das Mahilang College, Bhatgaon, District Sarangarh-Bilaigarh, C.G.

2. Learned counsel appearing for the petitioner submits that the petitioner, who is presently working as Assistant Professor (Hindi) at Rajiv Gandhi Government College, Simga, has been transferred to Government Rajmahant Nayan Das Mahilang College, Bhatgaon, vide impugned order dated 26.10.2026. It is contended that the impugned transfer has been effected without considering the provisions of the Transfer Policy of the State Government, particularly when a vacant post of Assistant Professor (Hindi) was available at the petitioner's present place of posting, whereas no vacant post is available at the transferred place of posting, where Dr. Subha Tiwari is already posted. Learned counsel further submits that the transfer has been ordered in the middle of the academic session, when the petitioner's son is studying in Class XI, and that the petitioner is also suffering from diabetes mellitus requiring regular medical care. He, therefore, contended that the respondent authorities have failed to consider the relevant policy provisions and the petitioner's medical and family circumstances before passing the impugned order. Hence the same deserves to be quashed.

3. Learned State counsel, while accepting the submissions made by the counsel for the petitioner, on instructions, submits that in fact, no post of Assistant Professor (Hindi) is available at the institution

to which the petitioner has been transferred. He, therefore, submits that the present petition may be disposed of with a direction to the concerned authorities to consider the petitioner's case and pass appropriate orders in accordance with law.

4. I have heard learned counsel for the parties and perused the pleadings as well as the documents available on record.

5. Having considered the submissions made by learned counsel for the parties and, particularly, the categorical instructions received by learned State counsel, it is evident that no post of Assistant Professor (Hindi) is available at the institution to which the petitioner has been transferred. Thus, the impugned transfer order dated 26.10.2026 has been issued without there being an available post at the transferred institution.

6. In view of the aforesaid specific submission made on behalf of the State, the impugned transfer order dated 26.10.2026 (Annexure P/1) cannot be sustained and is hereby quashed to the extent it relates to the transfer of the petitioner. Accordingly, the writ petition is **allowed**.

7. However, the State shall be at liberty to pass an appropriate order in accordance with law, if so desired.

Sd/-
(BIBHU DATTA GURU)
Judge

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