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SOURABH BHILWAR Digitally signed by SOURABH BHILWAR Date: 2026.11.05 17:00:30 +0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8087 of 2026

Kamlesh Kumar Tanwar S/o Nandlal Singh Aged About 42 Years Occupation- Assistant Block Education Officer Korba, Block Korba District Korba (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary Education Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (C.G.)

2 - Deputy Secretary, Education Department Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (C.G.)

3 – Director, Public Instruction Directorate Public Instruction, Indiravati Bhavan, Nava Raipur, District Raipur (C.G.)

4 – Collector, Korba, District Korba (C.G.)

5 - District Education Officer, Korba District Korba (C.G.)

6 - Jitendra Kumar Sahu, Aged About 60 Years Occupation- Principal, Government Higher Secondary School, Rajgamar, District - Korba (C.G.)

... Respondents

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Awadh Tripathi, Advocate
For Respondents/ State	: Mr. Suyashdhar Badgaiya, Govt. Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

05/11/2026

1. By the present writ petition, the petitioner seeks quashment of the impugned transfer order dated 03.11.2026 (Annexure P/1), whereby the petitioner has been transferred from the Office of the Block Education Officer, Korba, to the Office of the Block Education Officer, Makadi, District Kondagaon, along with the consequential relieving order dated 03.11.2026.

2. Learned counsel for the petitioner submits that the petitioner was initially appointed on the post of Assistant Block Education Officer (ABEO) and has been continuously discharging his duties on the said post. He submits that the petitioner was subsequently posted as In-charge Block Education Officer (BEO), Korba. He further submits that, by the impugned order, the petitioner has been transferred to District Kondagaon, whereas his wife is also a government employee and is posted at Deepka, Korba, which is contrary to the Transfer Policy of the State Government, particularly Clause 3.13 thereof, which provides that where both husband and wife are government employees, their posting should, as far as possible, be made at the same place. The petitioner has accordingly made representations requesting consideration of their posting at the same place. Learned counsel further submits that the petitioner has questioned the posting of

respondent No. 6 as BEO, Korba, by filing a writ petition bearing WPS No. 6884/2026, wherein notices were issued to the State as well as the concerned respondents. It is contended that, on account of filing of the said writ petition, the petitioner has been transferred from his present place of posting to Block Makadi, vide order dated 03.11.2026, which is situated at a distance of approximately 400 kilometres. He further submits that the petitioner was relieved immediately on the very same day, i.e., 03.11.2026, whereas, as per the transfer policy of the State Government, an employee is required to be relieved within a period of 10 days from the date of issuance of the transfer order.

3. *Per contra*, learned State counsel, while opposing the submissions made by learned counsel for the petitioner, submits that the posting of respondent No. 6 as Block Education Officer, Korba, is under challenge in a separate writ petition and constitutes a distinct cause of action, which may be considered and decided in the said petition. The present petition has been filed by the petitioner challenging the order of his transfer from Korba to Block Makadi, and the said order has been passed on account of administrative exigency. He further submits that the petitioner has been posted at the present place of posting since 2019. So far as the contention regarding posting of husband and wife at the same place is concerned, Clause 8 of the Transfer Policy provides that any employee aggrieved by the transfer order may raise his grievance before the Committee constituted under the said clause. If the petitioner submits a representation before

the said Committee, the same shall be considered in accordance with law and the Transfer Policy of the State Government, and an appropriate order shall be passed in accordance with law.

4. At this stage, learned counsel for the petitioner submits that the contention of the State regarding administrative exigency is not correct, as no other employee has been posted in place of the petitioner at his present place of posting. However, learned counsel submits that the petitioner may be permitted to submit a representation before the Committee constituted under Clause 8 of the Transfer Policy.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Considering the submissions made by learned counsel for the petitioner, particularly with regard to the posting of the petitioner at Kondagaon, which is situated at a distance of approximately 400 kilometres, and the fact that the wife of the petitioner is working as Patwari at Deepka, Korba, the petitioner is permitted to approach the Committee constituted under Clause 8 of the Transfer Policy by submitting a representation within a period of seven days from today. In the event of filing of such representation, the said Committee shall consider and decide the same in accordance with law and the Transfer Policy of the State Government, taking into consideration the circumstances of the petitioner, within a further period of 20 days from the date of receipt of the representation.

7. At this juncture, it is noteworthy to mention that the petitioner herein has earlier preferred a writ petition questioning the posting of respondent No. 6 as BEO, which is pending consideration before this Court. Since allegations of mala fides have also been raised against the authorities in respect of the transfer of the petitioner, the impugned transfer order and the consequential relieving order, insofar as they relate to the present petitioner, shall remain stayed till the decision is taken on the representation by the aforesaid Committee.

8. With the aforesaid liberty and direction, the present writ petition stands **disposed of**.

Sd/-
(BIBHU DATTA GURU)
JUDGE

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