

# THE HIGH COURT OF MEGHALAYA

## WP(C). No.214/2015

1. Shri Salimudin Sarkar  
S/o Abdul Aziz SK  
R/o Vill + PO Haripur  
West Garo Hills District, Meghalaya.

**... Petitioner**

### -Versus-

1. The State of Meghalaya through  
Principal Secretary,  
Department of Education,  
Government. of Meghalaya, Shillong.
2. The Director of School Education and Literacy,  
Government of Meghalaya, Shillong.
3. The District School Education Officer,  
West Garo Hills District,  
Tura, Meghalaya.
4. The Sub-Divisional School Education Officer,  
Dadengiri Sub-Division,  
West Garo Hills District,  
Meghalaya.
5. The District School Education Officer,  
North Garo Hills District,  
Resubelpara Sub-Division,  
Meghalaya.
6. The Sub-Divisional Education Officer,  
Resubelpara Sub-Division,  
North Garo Hills District,  
Meghalaya.
7. Shri Gazibur Rahman,  
Assistant Teacher,  
Jonglapara Assamese Govt. L.P.School,  
Resubelpara, North Garo Hills District,  
Meghalaya.

**.....Respondents**

For the petitioner	:	Mr. KC Gautam, Adv.
For the respondents	:	Mr. N.D.Chullai, Sr.GA Ms. N.G.Shylla, GA.
Date of hearing	:	25-08-2015
Date of Judgment	:	25-08-2015

Heard Mr. K.C.Gautam, learned counsel appearing for the petitioner and also Mr. N.D.Chullai, learned Sr. GA, assisted by Ms. N.G.Shylla, learned GA appearing for the respondents No. 1 to 6.

2. By this writ petition, the petitioner is assailing the impugned transfer order dated 17-06-2015 for transferring the petitioner from Persakandi Govt. L.P.School, Dadengiri, West Garo Hills District to Jonglapara Assamese Govt. L.P.School under SDSEO, Resubelpara. It is fairly settled law that transfer is an incident of service. Transfer order can be interfered only when the transfer order is in violation of the Rules, transfer order seriously affects the career of an employee and also when the transfer order has been issued with bias and malafide manner. In the present writ petition, the petitioner is questioning as to how the transfer order is issued in public interest. The elements of public interest in

issuing the transfer order dated 17-06-2015 are to be decided by the authorities and not by this Court.

3. It is also the submission of Mr. K.C.Gautam, learned counsel appearing for the petitioner that the petitioner had filed a representation dated 26-06-2015 to the Director School Education & Literacy, Meghalaya, Shillong, ventilating his grievances against the transfer order dated 17-06-2015. The said representation dated 26-06-2015 is still pending with the Director School Education & Literacy, Meghalaya, Shillong.

4. In the above factual backdrop, this writ petition is disposed of by directing the respondent No.2 i.e. Director of School Education and Literacy, Government of Meghalaya, Shillong to consider and disposed of the said representation dated 26-06-2015 by passing a reasoned order with 2(two) weeks from the date of receipt of a certified copy of this judgment and order. It is made clear that if the said representation dated 26-06-2015 had already been disposed of by the respondent No.2, a copy of the order for disposing the said representation dated 26-06-2015 may be furnished to the petitioner within 2(two) weeks from the date of receipt of a certified copy of this judgment and order.

5. It is also made clear that till the representation dated 26-06-2015 is disposed of, status quo as on today regarding the petitioner and private respondent shall be maintained.

6. With the above observation and directions, writ petition is disposed of.

**JUDGE**

S.Rynjah