

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPS No. 2362 of 2021**

- Smt. Pramila Xaxa W/o Shri Domnik Xaxa, aged about 52 years, posted as Lecturer at Government Higher Secondary School Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh

-----Petitioner**VERSUS**

1. State of Chhattisgarh through: its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Director, Directorate of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. District Education Officer, Bilaspur, Chhattisgarh

-----Respondents

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| For Petitioner | : Mr. Rakesh Kumar Jha, Advocate |
| For Respondent- State | : Ms. Hamida Siddiqui, Deputy Adv. General |

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****31/05/2021**

1. By this instant writ petition, petitioner has sought to interdict with the order dated 08.12.2020 (Annexure P-1) which is an order of posting of petitioner along with other employees of Government Higher Secondary School, Tarbahar, Bilaspur.
2. Case of the petitioner is that the petitioner is working as lecturer in Government Higher Secondary School, Tarbahar, Bilaspur, she has been posted by way of transfer to Government Higher Secondary School (Boys), Chakarbhata, block Bilha. Her grievance is mainly on the ground that the vacant post is available in another school situated nearby ie. Government Higher Secondary School, Birkona, Block Bilha but even then the petitioner has been posted at a far distance place. Learned counsel for the petitioner further submits that the post of Lecturer (Geography) is not vacant at the transferred school ie.

Government Higher Secondary School (Boys), Chakarbhata, Bilaspur. It is contended that after issuance of order Annexure P-1, petitioner has made representation to Respondent 1 and Respondent 3 but till date the representation made by the petitioner is neither considered nor decided. It is contended that the order Annexure P-1 requires to be interdicted.

3. Ms. Hamida Siddiqui, learned Deputy Advocate General representing the State submits that the school in which petitioner was posted ie. Government Higher Secondary School, Tarbahar, has been converted to English Medium School under the policy decision of the State Government, hence, all the teachers who were posted in Hindi medium school prior to its conversion at Government Higher Secondary School, Tarbahar, have been posted to some other school where the posts of the relevant subjects were vacant. She further pointed out that it is not a change of place of posting of one teacher but in Annexure P-1, there are as many as 17 teachers including the petitioner, hence, there is no arbitrariness on the part of respondents in issuing the order of transfer. She submits that the petitioner has filed the representation before Respondent 1 that will be considered and decided at the earliest.
4. I have heard learned counsel for the respective parties.
5. Annexure P-1 dated 08.12.2020 was issued on the ground that Government Higher Secondary School, Tarbahar, Bilaspur has been converted as English Medium school under the policy decision taken by the State Government, it is for the respondent-authorities to consider the posting of teachers who are engaged in teaching in Hindi medium school to some other school, where the posts of the subject on which the teachers like petitioner are vacant.
6. From perusal of Annexure P-3, it appears that the petitioner has made representation through proper channel to Respondent 1 on 06.01.2021

which is pending consideration till date, as per the submission made by learned counsel for the petitioner. It is for the respondents/employer to consider the posting of an employee based on the vacancy available. If any post is vacant the petitioner may bring it to the notice of the respondent-authorities for their consideration and action.

7. For the foregoing reasons, this Court finds it appropriate to direct Respondent 1 to consider and decide the representation of the petitioner. Petitioner is directed to file a fresh representation along with copy of writ petition before Respondent 1 within a period of 10 days from today and the Respondent 1 shall decide the fresh representation filed by the petitioner within a period of four-weeks from the date of receipt of representation in an objective manner.
8. In view of the above, writ petition stands disposed of. It is made clear that this Court has not made any observation with regard to the merits of the case, it is for the Respondent 1 to consider the representation and decide the same on its own merits.

Sd/-
(Parth Prateem Sahu)
Vacation Judge