

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****WPS No. 8084 of 2022**

- Ghasiram Chandra S/o Chamara Ram Chandra Aged About 42 Years Presently Posted as Teacher (L.B.) Government Middle School Kadekot, Block Malkharoda District Sakti Chhattisgarh

**-----Petitioner****VERSUS**

1. State of Chhattisgarh, through the Secretary, School Education Department, Ministry, Mahanadi Bhawan, Capital Complex, Atal Nagar, P. S. and P. O. Rakhi, District Raipur Chhattisgarh
2. Under Secretary School Education Department, Ministry, Mahanadi Bhawan, Capital Complex, Atal Nagar, P. S. and P. O. Rakhi, District Raipur Chhattisgarh
3. District Education Officer Sakti, District Sakti Chhattisgarh

**-----Respondents**

(cause title is taken from Case Information System)

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For Petitioner : Ms. Diksha Gouraha, Advocate

For Respondents-State : Ms. Sunita Jain, Govt. Advocate

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**Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****30/11/2022**

1. Challenge in this writ petition is to the impugned order of transfer dated 30.09.2022, whereby, petitioner who is holding the post of Teacher (L.B.) and posted at Govt. Middle School, Badekot, Block Malkharoda, Dist. Sakti, C.G., is transferred to Govt. Middle School, Bholapur, Block Chhuriya, Dist. Rajnandgaon, C.G.
2. Learned counsel for petitioner submits that though the petitioner has submitted an application requesting for his transfer but the school proposed by him for posting falls within district Sakti. Petitioner has been transferred mentioning on own request to a school situated in district Rajnandgaon. She contended that the transfer of petitioner mentioning 'on own request' is erroneous in the facts of the case. In support of her contention, she referred Annexure P-2 application submitted proposing for transfer. Learned counsel also pointed out that petitioner along with his wife met with a car accident and

admitted to hospital since 29.09.2022, in support of this fact, documents are placed on record showing treatment of petitioner and therefore petitioner could not challenge the impugned order prior to this. She further contended that after transfer of petitioner no other teacher is posted in place of petitioner. Petitioner is a teacher of Science subject. Three teachers are posted in the present place of posting in which petitioner is transferred, one other teacher is attached to another school and the Head Master posted and working in the present school is a teacher of Arts and therefore after transfer of petitioner, post of Teacher (Science) is lying vacant.

3. Learned State counsel opposes the submission of learned counsel for petitioner and submits that petitioner is a Government servant holding transferable post, hence, has no vested right to remain posted at one place and is liable to be transferred from one place to another. Impugned order is issued by the competent authority on administrative ground, hence it does not call for any interference. She submits that if petitioner is aggrieved in any manner with his transfer, he can very well approach the Committee constituted by the State Government under Transfer Policy dated 12.08.2022 to consider grievance of employees against their transfer and if petitioner submits a representation, it will be considered in accordance with law.
4. I have heard learned counsel for the parties.
5. Taking into consideration, facts and circumstances of the case, submission of learned counsel for petitioner that petitioner though has submitted an application for his transfer but in the school within district Sakti whereas he has been transferred from district Sakti to district Rajnandgaon mentioning "on own request"; after transfer of petitioner post of teacher (Science) become vacant in the present school; and also considering the treatment of petitioner, I find it appropriate to dispose of this writ petition at this stage directing the

petitioner to submit a representation raising all grounds as raised in this writ petition, before the Committee constituted by the State Government under the Transfer Policy, within a period of **02 weeks** from today and if a representation is submitted the concerned Committee shall decide the same, in accordance with law, expeditiously preferably within an outer limit of **03 weeks** from the date of receipt of representation.

6. For a period of 06 weeks or till decision of representation, whichever is earlier, no coercive steps shall be taken against petitioner.

Certified copy as per rules.

**Sd/-**  
**(Parth Prateem Sahu)**  
Judge

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