

(2019) 09 CHH CK 0081

Chhattisgarh High Court

Case No: Writ Petition (S) No. 7253 Of 2019

Jerom Tirkey

APPELLANT

Vs

State Of Chhattisgarh, through
the Secretary, Department Of
School Education And Ors

RESPONDENT

Date of Decision: Sept. 13, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Anuroop Panda, Chandresh Shrivastava

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. Challenge in the present writ petition is to the order of transfer dated 21.8.2019 whereby the petitioner has been transferred from Primary School,

Kanwar Para, Pakhnakot, Block Dharamjaigarh, District Raigarh to Primary School, Jurgum, Block Bagicha, District Jashpur.

2. Challenge to the transfer order is on the ground that the impugned order reflects the transfer of the petitioner to have been made on his own expenses at his own request.

3. According to the counsel for the petitioner, the petitioner has never moved any application nor has requested for any order of transfer, yet the authorities have shown the transfer of the petitioner to have been made at his own request on his own expenses.

4. Given the aforesaid facts, let the petitioner within 10 days from today make an appropriate representation to respondent no.2 who in turn shall

consider and decide the same as expeditiously as possible preferably within a period of 45 days from the date of receipt of representation.

5. However, if on verification it is found that the petitioner has never made any such request for transfer, the impugned order so far as the petitioner is

concerned shall not be acted upon, reserving the right of the respondent-State to take appropriate decision at a later stage on administrative exigency.

6. That, on verification if it is found that the petitioner has in fact made a request, then the impugned order would not stand interfered with and the

respondents would be at liberty to relieve the petitioner from the present place of posting.

7. Till the representation is decided, the effect and operation of the impugned order of transfer shall remain stayed so far as the petitioner is

concerned, subject to verification of fact whether the petitioner has made a request for his transfer or not.

8. With the aforesaid observations, the writ petition stands disposed of.