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**(2019) 10 CHH CK 0215**

**Chhattisgarh High Court**

**Case No:** Writ Petition (S) No. 8821 Of 2019

Ashok Kumar Upadhyay

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision:** Oct. 24, 2019

**Hon'ble Judges:** Goutam Bhaduri, J

**Bench:** Single Bench

**Advocate:** Rahul Mishra, Avinash Singh

**Final Decision:** Disposed Of

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### **Judgement**

Goutam Bhaduri, J

1. Heard.

2. The grievance of the petitioner is that by the impugned order dated 01.10.2019, the services of the petitioner has been transferred from Middle

School, Chitkahipara Kot, District Surajpur to Government Pre-Middle School, Rangpur, Block Bagicha, District Jashpur.

3. It is contended that the place where the petitioner has been transferred there is no middle school exists and the petitioner is the Headmaster in the

Middle School, therefore, the transfer is bad. It is further contended that the petitioner comes in the protected category as he is the Secretary of

Chhattisgarh Shikshak Congress and the wife of the petitioner is also a Lecturer in the Government Higher Secondary School, Deonagar, District

Surajpur. It is stated that according to the transfer policy of the State the husband & wife are to be kept in the same place and the petitioner comes

under the protect category, therefore, the transfer of the petitioner may be canceled.

4. Considering the grievance raised and also the document Annexure P-5 issued by the Block Education Officer, Bagicha, District Jashpur which shows that there is no Middle School exists wherein the petitioner has been transferred, it is directed that the petitioner shall make afresh representation in this regard within a period of 15 days from today before the Grievance Redressal Committee and the Committee in turn shall consider and decide the same in accordance with the transfer policy at the earliest preferably within a further period of 45 days. Till the representation of the petitioner is decided, the transfer of the petitioner shall not be given effect to.
5. With the aforesaid observation, the writ petition stands disposed of.
6. Certified copy today.