
(2012) 08 MP CK 0076

In the Madhya Pradesh High Court

Case No : Writ Petition No. 11928 of 2012

Dr. Amarjyoti Toppo

APPELLANT

Vs

State of MP and others

RESPONDENT

Date of Decision : 06-08-2012

Acts Referred:

Citation : (2012) 08 MP CK 0076

Hon'ble Judges : Alok Aradhe, J

Bench : Single Bench

Advocate : Y.M. Tiwari, for the Appellant; Vivek Sharma, learned PL, for the Respondent

Judgement

Alok Aradhe, Judge

1. With consent of parties, the matter is heard finally. In this writ petition, the petitioner who is posted as Assistant Veterinary Hospital, Betul has challenged the validity of the order dated 13.7.2012 by which she has been transferred from Betul to Bhainsdehi which is situate at a distance of 75 kilometres in the same district.

2. Learned counsel for the petitioner submits that the order of transfer has been passed with a view to accommodate Respondent No.3, who is wife of Dr. Raj Kamal Meshram. It is further submitted that Dr. Raj Kamal Meshram and his wife Dr. Chanchal Meshram namely Respondent No.3 have submitted applications for their transfer on request and in view of the requests made by Respondent No.3 and her husband, petitioner has been transferred.

3. I have considered the submissions made by learned counsel for the petitioner. In the case of Mrs. Shilpi Bose and others Vs. State of Bihar and others, it has been held by the Supreme Court that if an employee is transferred pursuant to the request made by another employee, the same cannot be said to be vitiated by mala fides.

4. At this stage, learned counsel for the petitioner submitted that being aggrieved by the order of transfer, petitioner has submitted the representation before the competent authority and the writ petition be disposed of with direction to the competent authority to decide the representation expeditiously. On the other hand, learned Panel Lawyer submits that if the petitioner files a representation, the same shall be dealt with in accordance with law.

5. In view of the submissions made by learned counsel for the parties and in the facts of the case, the writ petition is disposed of with direction to the competent authority to consider and decide the representation submitted by the petitioner expeditiously, preferably within a period of four weeks.

6. Needless to emphasize that the competent authority shall pass a speaking order and shall communicate the decision to the petitioner. Certified Copy as per rules.