

(2019) 09 CHH CK 0087
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 7282 Of 2019

Ganesh Prasad Kashyap

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 13-09-2019

Acts Referred:

Citation : (2019) 09 CHH CK 0087

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Pallav Mishra, 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 12.7.2019 whereby the petitioner has been transferred from Government

Primary School, Boirpara, Block Lormi, District Mungeli to Government Primary School, Rajpalpur, Block Lormi, District Mungeli.

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, rather he had made a request for his transfer to a different district altogether.

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.