

(2023) 10 MP CK 0040
In the Madhya Pradesh High Court
Case No : Writ Appeal No. 1722 Of 2023

Pratibha Jain

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005
— Section 2(1)

Citation : (2023) 10 MP CK 0040

Hon'ble Judges : Sushrut Arvind Dharmadhikari, J;Pranay Verma, J

Bench : Division Bench

Advocate : Rajeev Kumar Jain, Aniket Naik

Final Decision : Disposed Of

Judgement

Sushrut Arvind Dharmadhikari, J

1. This writ appeal has been filed under Section 2(1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005, the order dated 22/09/2023 passed in W.P. No.24333/2023 (S) has been assailed whereby in the writ petition challenging the order dated 01/09/2023, by which the appellant was transferred from Shajapur to Chicholi, Betul and said the writ petition was disposed of with a direction to the respondents to decide the representation of the appellant dated 02/09/2023 by passing a detailed and speaking order within a period of one month.

2 . Learned counsel for the appellant submitted that the appellant is carrying a pregnancy of around 10 weeks now and she is made to join at the transferred place of posting, which is 300 Kms. away from the present place of posting and it would be irreparable loss to the appellant. In the circumstances, it is prayed that she may be allowed to continue at the present place of posting, till the representation as directed by the learned Single Judge is decided.

3 . Without entering into the merits of the case and looking to the fact that the

learned Single Judge has already directed the respondents to decide the representation, the order of the learned Single Judge dated 22/09/2023 is modified to the extent that appellant would be allowed to continue at Shajapur, till the representation is decided by the Competent Authority.

4. With the aforesaid modification, this writ appeal stands disposed off. C.C. as per rules.