
(2020) 07 MP CK 0029

In the Madhya Pradesh High Court

Case No : Writ Petition No. 10012 Of -2020

Purnima Mishra

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 28-07-2020

Acts Referred:

Citation : (2020) 07 MP CK 0029

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : B. C. Choubey, Vivek Sharma

Final Decision : Disposed Of

Judgement

Petitioner has filed the present writ petition being aggrieved by her transfer order contained in Annexure P/2. By the said order, the petitioner has

been transferred from Traffic Incharge Chhattarpur to Traffic Incharge Tikgamgarh.

It is submitted by learned counsel for the petitioner that the petitioner could not be transferred before completion of her tenure period of two years. It

is submitted by him that petitioner has been transferred to Chhattarpur on 1.8.2018 and before completion of her tenure period, she has again been

transferred on 7.7.2020. It is also submitted by him that petitioner has already preferred a representation before the authorities which has not yet been

decided. He further submits that no other person has been transferred as Incharge S.H.O Traffic Chhattarpur.

Learned Deputy Advocate General for the State submits that the case of Prakash Singh & Others Versus Union of India & Others reported in (2006)

8 SCC 1 is not applicable in the case of the petitioner. Petitioner has also

completed the tenure period of two years.

Considered the arguments of learned counsel for the parties.

After passing of the judgment in the case of Prakash Singh (supra), the State Government has misused the instructions filed as Annexure P/5. In the

said circular, the direction has been given that the officers mentioned in the circular may not be transferred before completion of tenure period of two

years. In the said circular, no mention has been made in respect of the officers belonging to the Traffic department of Police.

However, considering the facts of the case that no other person has been transferred in the place of the petitioner, I deem it fit to dispose of this

Digitally signed writ petition giving direction to the respondents to consider and decide the representation preferred by the petitioner within a period of

thirty days from the date of receipt of certified copy of the order passed today. As no other person has been transferred in place of the petitioner,

therefore, the status-quo may be maintained in respect of the petitioner's transfer till decision on the representation by the respondents.

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