



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

Writ Petition (S) No. 192 of 2023

- Yogesh Mishra S/o Late Shri J.N. Mishra Aged About 52 Years R/o Vivekanand Nagar Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

-----Petitioner

VERSUS

1. State of Chhattisgarh through its Secretary, Government of Chhattisgarh, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. The Secretary Government of Chhattisgarh, Tribal Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
3. The Secretary Government of Chhattisgarh, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
4. The Director Directorate of Public Instructions, Indrawati Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
5. The Divisional Joint Director Public Instructions, Surguja Division, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
6. The District Education Officer District Surguja (Ambikapur) (C.G.)
7. Shri Gopal Krishna Dubey Through The District Education Officer, District : Surguja (Ambikapur), Chhattisgarh

-----Respondents

(cause title is taken from Case Information System)

For Petitioners : Mr. R.S. Marhas, Advocate
 For Respondent-State : Mr. Sandeep Dubey, Dy. Adv. General
 For Respondent No. 7 : Mr. Achyut Tiwari, Advocate

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

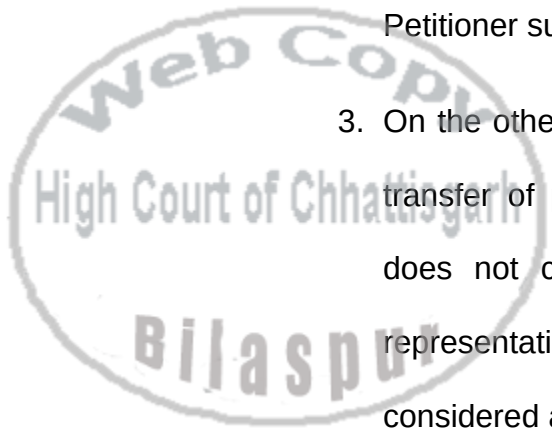
16/01/2023

1. Challenge in this writ petition is to the order dated 30.12.2022, whereby, petitioner who is holding the post of incharge Block Education Officer and posted at Ambikapur, District Surguja, is transferred to Govt. Higher Secondary School, Buskepi, Block Kusmi, Dist. Balrampur-Ramanujganj C.G. on administrative ground.
2. Learned counsel for petitioner submits that petitioner has



challenged the impugned order on the ground that he is a heart patient and has undergone Angioplasty Surgery. Pursuant to Annexure P-1 order dated 30.12.2022, petitioner has been transferred to the place where direct mode of conveyance to Raipur is barely available nor is medical facilities to meet the medical emergency if any suffered by petitioner. He submits that petitioner has already submitted a representation dated 02.01.2023, but till date representation of petitioner is not considered and decided. He further submits that petitioner is not interested to be posted at a particular place of his choice but his only grievance is that he is to be posted at a place where better conveyance facilities as also the medical facilities are available to meet the emergency situation. Petitioner submitted representation before Respondent No. 1.

3. On the other hand, learned State counsel submits that the order of transfer of petitioner is passed on administrative ground, thus, it does not call for any interference. If petitioner submitted any representation before the respondent-authorities, it will be considered and decided, in accordance with law, expeditiously.
4. Learned counsel for Respondent No. 7 would submit that Respondent No. 7 has already joined his transferred place of posting.
5. I have heard learned counsel for the parties, perused the documents annexed along with writ petition.
6. Considering the aforementioned facts and circumstances of the case, nature of grievance raised by petitioner and the submission of learned counsel for petitioner that petitioner is ready to join at any other place where proper medical facilities and conveyance are available, I find it appropriate to dispose of this writ petition at this stage directing the Respondent No. 1 to consider and decide the





representation dated 02.01.2023 submitted by petitioner, expeditiously, sympathetically in an objective manner considering the medical ground raised, preferably within an outer limit of **03 weeks** from the date of receipt of copy of order passed by this Court. Petitioner will also be at liberty to submit representation before the Committee constituted under the Transfer Policy and if such representation is submitted it shall be decided as directed above.

7. With the aforesaid observation and direction, writ petition is disposed of.

Certified copy as per rules.



Sd/-
(Parth Prateem Sahu)
Judge