

**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 176 of 2023**

Smt. Ishwari Brijwasi Suryawanshi W/o Dr. Jainendra Kumar Suryawanshi, Aged About 41 Years Working As Assistant Professor (Political Science), At Govt. T.C.L. College Janjgir, District : Janjgir-Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh The Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, New Raipur, Atal Nagar, District : Raipur, Chhattisgarh
2. The Director, Directorate Of Higher Education Department, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
3. Principal, Govt. T.C.L. College Janjgir, District : Janjgir-Champa, Chhattisgarh

---- **Respondents**

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For Petitioner : Mr. Jeet Ram Patel, Advocate  
For Respondents/State : Mr. R.K. Bhagat, Dy. G.A.

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**Hon'ble Shri Justice Parth Prateem Sahu**

**Order On Board**

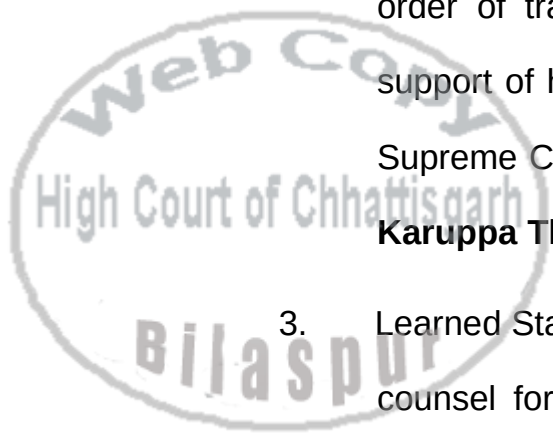
**12/01/2023**

1. Challenge in this petition is to the order dated 02.01.2023, whereby petitioner, who is holding the post of Assistant Professor (Political Science), posted at Government T.C.L. College, Janjgir, District – Janjgir-Champa is transferred to Government



Shyamlal Shah College, Manpur, District – Rajnandgaon on administrative ground.

2. Learned counsel for petitioner submits that order of transfer of petitioner is in mids of academic session. He contended that petitioner is having two young children aged about 13 and 14 years and they are studying in Class 6<sup>th</sup> and 7<sup>th</sup> in Brilliant English Medium Public School, Janjgir, which is a private school and session of English medium school starts in the month of April and ends in the month of March of each academic session. There is no female person to take care of children, therefore, impugned order of transfer in mids of academic session is arbitrary. In support of his contention, he placed reliance on the judgment of Supreme Court in case of **Director of School Education Vs. O. Karuppa Thevan**, reported in **1994 SCC Suppl. (2) 666**.
3. Learned State counsel opposing the submission made by learned counsel for petitioner would submit that petitioner is holding a transferable post and transfer is made on administrative ground. She can not claim as a matter of right to be posted at a particular place. However, he submits that if petitioner is aggrieved in any manner with her transfer, she can submit representation, before the Committee constituted under Clause 8 of transfer policy.
4. I have heard learned counsel for parties and perused the documents available in record.
5. Taking into consideration the submission made by learned counsel for petitioner that children of petitioner aged about 13





and 14 years are studying Class 6<sup>th</sup> and 7<sup>th</sup> in Brilliant Public School, academic session ends in the month of March of each academic session, transfer of petitioner is on 02.01.2023 as also the decision of Hon'ble Supreme Court in case of **Director of School Education (supra)**, this petition is disposed off at this stage instead of keeping this petition pending and taking reply from the State, directing the petitioner to submit representation before the Committee constituted under Clause – 8 of transfer policy within a period of two weeks and if such representation is submitted, concerned Committee shall decide the same expeditiously preferably within a period of three weeks from the date of receipt of representation in accordance with law.

6. Till the decision on representation, impugned order of transfer dated 02.01.2023 so far as it relates to petitioner shall not be given effect to.

7. Accordingly, this petition is disposed off with aforesaid observations and directions.

C.C. as per rules.

**Sd/-**  
**(Parth Prateem Sahu)**  
Judge