



NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WPS No. 534 of 2023**

Dr. Shakeel Husain S/o Fazal Husain Aged About 55 Years Presently Posted As Assistant Professor Government V.Y. T. P.G. Autonomous College Durg District Durg Chhattisgarh. (Mentioned In The Impugned order as Govt. P. G. Arts/science College Durg), District : Durg, Chhattisgarh.

---- **Petitioner**

**Versus**

1. State of Chhattisgarh Through Its Secretary, Higher Education Department, Ministry Mahanadi Bhawan, Capital Complex, Atal Nagar Police Station And P. O. Rakhi, District : Raipur, Chhattisgarh
2. Under Secretary Higher Education Department, Ministry Mahanadi Bhawan, Capital Complex, Atal Nagar, Police Station And P. O. Rakhi, District : Raipur, Chhattisgarh
3. Government V.Y.T.P.G. Autonomous College Durg Through Its Principal, District : Durg, Chhattisgarh.

--- **Respondents**

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For Petitioner : Mr. Mateen Siddiqui, Advocate.  
For State/Respondent : Mr. Gurudev I Sharan, GA.

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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**

**19/01/2023**

1. Challenge in this writ petition is to the impugned order of transfer dated 02.01.2023, (Annexure P-1), whereby petitioner who is holding the post of 'Assistant Professor' has been transferred from Government PG Arts/Science College, Durg to Government College, Batauli, District Sarguja, Chhattisgarh.
2. Learned counsel for petitioner submits that daughter of petitioner is studying in class 11<sup>th</sup> at Shri Shankaracharya Vidyalaya, Bhilai, and in support thereof document/identity card is filed as Annexure P-6. Transfer of petitioner is in midst of academic session and he has been transferred from District Durg to District -Sarguja. If petitioner has to join transferred place, studies of his daughter will be adversely affected as final exams are shortly to be held. He further contended that petitioner is Assistant Professor (Political Science) and under him about eight students are pursuing their PHD course, no one else is posted in his place, he has not been relieved from present place of posting. He places reliance upon the decision of Hon'ble Supreme Court in case of

**School Education, Madras & Ors versus O. Karuppa Thevan & Ors**



reported in **1994 Supp (2) SCC 666**.

3. Learned State Counsel opposes submission of counsel for petitioner would submit that petitioner has been transferred alongwith other Assistant Professor on administrative grounds, hence, impugned transfer order does not call for any interference. However, if petitioner is aggrieved in any manner with his transfer, he can very well submit representation before the Committee constituted by the State Government under Transfer Policy to consider grievance of employee against transfer and if petitioner submits representation before the Committee it will be considered in accordance with law.
4. Heard learned counsel for the parties and perused record.
5. Considering entire facts and circumstances of case, grounds raised in writ petition, submission of counsel for petitioner based on Annexure P-6 that daughter of petitioner is studying in 11<sup>th</sup> class, transfer of petitioner is in mids of academic session, decision of Hon'ble Supreme Court in case of **O. Karappa Thevan & Ors** (supra), I am of the view that no useful purpose would be served in keeping this writ petition pending, awaiting response of respondents, and ends of justice will be served if writ petition is disposed of permitting petitioner to submit representation before Committee constituted under Transfer Policy.
6. Accordingly, this writ petition stands disposed of directing petitioner to submit representation against his transfer before the Committee constituted under Transfer Policy, within 'two weeks' from today, raising all ground as raised in this writ petition. On making such representation, the Committee shall consider and decide the same in accordance with law expeditiously preferably within outer limit of '**three weeks**' from the date of receipt of such representation.
7. Till decision on petitioner's representation, Status Quo, as it exists today, with respect to posting of petitioner shall be maintained by the parties.

CC as per rules.

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

J/-