



NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

WPS No. 965 of 2023

Ramraj Yadav S/o Late Ramrup Yadav Aged About 41 Years Presently Working As Lecturer Hindi At Government Higher Secondary School Kalyanpur, Block Surajpur (Girls School Wrongly Men. In Transfer Order), District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mantralaya Mahandi Bhawan, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. The Upper Secretary Department Of School Education Mantralaya Mahanadi Bhawan Atal Nagar New Raipur, District : Raipur, Chhattisgarh
3. The Collector Surajpur, District : Surajpur, Chhattisgarh
4. District Education Officer Surajpur, District : Surajpur, Chhattisgarh

---- Respondents

For Petitioner : Mr. A. K. Yadav, Advocate
For State : Mr. Sandeep Dubey, Dy. A.G.

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

02/02/2023

Heard.

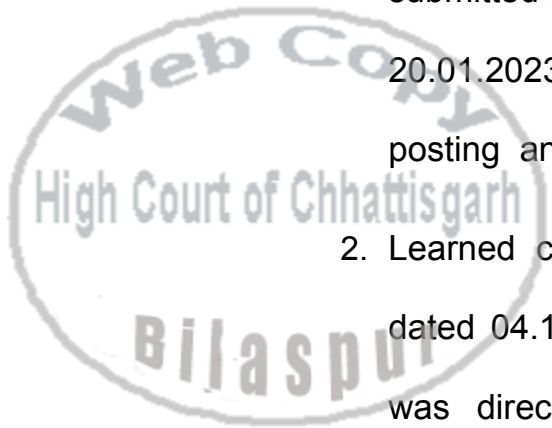
1. Learned counsel for the petitioner would submit that the petitioner is holding the post of Lecturer. Pursuant to order of transfer dated 30.9.2022, petitioner was transferred from Govt. Girls Higher Secondary School, Kalyanpur, Block and District- Surajpur to Govt. Higher Secondary School, Baldakachhar, Block- Kasdol, District- Balodabazar, which was put to challenge



in WPS No.7016 of 2022. Considering the grounds raised therein, writ petition was disposed of directing the petitioner to submit representation before the Committee constituted under the Transfer Policy and interim protection for limited period was granted of not giving the effect and operation of impugned transfer order so far as it relates to the petitioner. Pursuant to order passed in WPS 7016 of 2022, petitioner was working on the earlier place of posting. Petitioner submitted representation on 15.11.2022. Pending consideration the representation submitted by the petitioner, respondent No.4 issued an order on 20.01.2023 relieving the petitioner to join the transferred place of posting and therefore the order Annexure P-1 be interdicted.

2. Learned counsel for the State would submit that vide order dated 04.12.2022 passed in WPS No.7016 of 2022, petitioner was directed to submit detailed representation before the Committee constituted under the Transfer Policy within the prescribed time. However, the representation which is preferred by learned counsel for petitioner as Annexure P-4 is not before the Committee but before the Director, Public Instructions Raipur. As the petitioner has not submitted any representation before the Committee as directed by this Court in WPS No.7016 of 2022, petitioner cannot take plea that representation submitted by the petitioner is not considered and decided by the Committee.

3. I have heard learned counsel for the parties and perused the documents annexed along with writ petition.





4. Annexure P-2 is an order dated 04.11.2022 passed by this Court wherein petitioner was directed to submit representation before the Committee constituted under the Transfer Policy within specified time. Annexure P-4 which is stated to be representation submitted by the petitioner is not before the Committee as directed by this Court, but before Director, Public Instructions.

5. In the aforementioned facts of the case, submission of learned counsel for petitioner and the ground raised challenging the order Annexure P-1 that the Committee has not decided representation submitted by the petitioner and therefore petitioner cannot be relieved pending consideration of his representation, is not sustainable. The petitioner cannot take benefit of his own wrong and, therefore, I do not find any merit in the petition. The writ petition is liable to be and is accordingly dismissed. However, the petitioner will be at liberty to submit fresh representation before the Committee constituted under the Transfer Policy and if such representation is submitted by the petitioner, the concerned Committee shall consider and decide the same expeditiously, in accordance with law.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

Judge