



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 1394 of 2023**

Sandeep Kumar Sahu S/o Late Shri Birendra Sahu Aged About 38 Years Working As Head Constable, Police Station, Berla, District - Bemetara Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
2. The Director General Of Police Police Headquarter Chhattisgarh, Sector 19, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. The Superintendent Of Police Bemetara, District - Bemetara Chhattisgarh.
4. Ashish Chhabra Member Of Legislative Assembly, Constituency No. 69, Raipur Road, Bemetara, District Bemetara Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Vipin Singh Thakur, Advocate
For Respondents/State	: Mr. Shubham Verma, P.L.

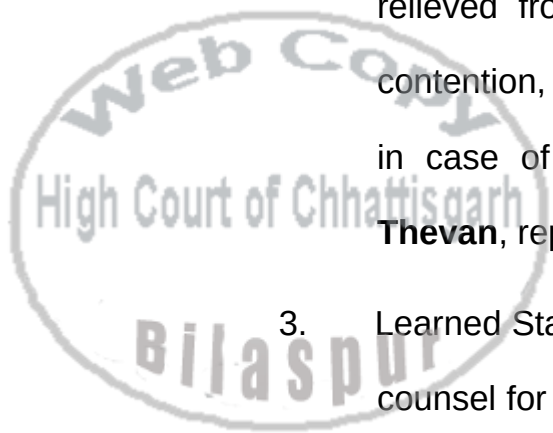
Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****17/02/2023**

1. Challenge in this petition is to the order dated 02.02.2023, whereby petitioner, who is holding the post of Head Constable posted at District -Bemetara is transferred to District Khairagarh-



Chhuikhadan-Gandai 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 children who are studying in Class 6th and Nursery in English Medium School affiliated to CBSE and exams are to be conducted shortly and if petitioner is to join at the transferred place of posting, the studies of children will be adversely affected. He also contended that petitioner has already submitted representation before respondent No.2, which is pending consideration and petitioner till date has not been relieved from his present place of posting. 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 transfer of petitioner is on administrative exigency, hence, no interference is required in the impugned order of transfer.
4. I have heard learned counsel for parties and perused the documents available in record.
5. Petitioner in this petition has placed on record the copy of identity card issued by school in the name Anish Sahu, S/o. Sandeep Kumar Sahu and Yashasvi Sahu, D/o. Sandeep Kumar Sahu. Son of petitioner is student of Class-6th. Taking into consideration the same 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 respondent No.2 to take decision on pending representation submitted by petitioner within a period of three weeks from the date of receipt of copy of order passed by this Court..

6. Till the decision on representation, status-quo as it exists today with respect to posting of petitioner shall be maintained.
7. Accordingly, this petition is disposed off with aforesaid observations and directions.

C.C. as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

