



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1955 of 2023

- Dharmendra Kumar Chelak S/o Shri Premlal Chelak Aged About 41 Years Working As Teacher (L.B.) Resident Of Village And Post - Gohrapadar, Tahsil - Mainpur, District : Gariyabandh, Chhattisgarh. ---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya Atal Nagar, New Raipur, District : Raipur, Chhattisgarh.
2. The District Education Officer District - Gariyaband, Chhattisgarh.
3. The Block Education Officer Mainpur, District : Gariyabandh, Chhattisgarh
4. The Headmaster Govt. Pre-Middle School, Chhaila, Block-Mainpur, District : Gariyabandh, Chhattisgarh.

---- **Respondents**

WPS No. 52 of 2023

- Vikash Kumar Kori S/o Shri Bholanath Kori, Aged About 40 Years R/o Village Neelkanthpur, Sub Tahsil Ramchandrapur, District Ramanujganj - Balrampur Chhattisgarh.

---- **Petitioner**

Versus

1. The State Of Chhattisgarh Through Secretary, School Education Department T Mantralaya, New Raipur, District Raipur Chhattisgarh
2. District Education Officer, District Ramanujganj - Balrampur Chhattisgarh
3. District Education Officer, District Koriya Baikunthpur Chhattisgarh
4. Block Education Officer, Block Ramchandrapur District Ramanujganj - Balrampur Chhattisgarh. ---- **Respondents**

WPS No. 1965 of 2023





-2-

- Manoj Kumar Sahu Son Of Late Shri Chhabiram Sahu, Aged About 53 Years Resident Of Chhail Dongri, Post - Gohrapadar, Block - Mainpur, District - Gariyaband (Chhattisgarh). ---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralya Atal Nagar, New Raipur, District - Raipur (Chhattisgarh)
2. The District Education Officer, District - Gariyaband (Chhattisgarh)
3. The Block Education Officer, Mainpur, District - Gariyaband (Chhattisgarh)
4. The Block Education Officer, Chhura, District - Gariyaband (Chhattisgarh)
5. The Headmaster, Govt. Pre-Middle School, Panduka, Block-Chhura, District - Gariyaband (Chhattisgarh).

---- **Respondents**

WPS No. 1977 of 2023

- Subhash Chandra Joshi S/o Shri Chandrasen Joshi Aged About 43 Years R/o Village And Post - Gohrapadar, Block - Mainpur, District : Gariyabandh, Chhattisgarh

---- **Petitioner**

Versus

1. State of Chhattisgarh The Secretary, School Education Department, Mantralaya Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. The District Education Officer District- Gariyaband, Chhattisgarh.
3. The Block Education Officer Mainpur, District : Gariyabandh, Chhattisgarh
4. The Block Education Officer Chhura, District : Gariyabandh, Chhattisgarh
5. The Headmaster Govt. Pre-Middle School, Raveli, Block-Chhura, District : Gariyabandh, Chhattisgarh.

---- **Respondents**





WPS No. 1978 of 2023

- Jitendra Kumar Sonwani S/o Shri Mangalram Sonwani Aged About 40 Years R/o Vindhyavasini Nagar, Abhanpur, District Raipur Chhattisgarh. ---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. The District Education Officer District Gariyaband Chhattisgarh
3. The Block Education Officer Chhura, District Gariyaband Chhattisgarh
4. The Headmaster Government Pre Middle School, Kosambuda, Block Chhura, District Gariyaband Chhattisgarh. ---- **Respondents**

WPS No. 2011 of 2023

- Smt. Swati Mishra W/o. Shri Satyavrat Mishra, Aged About 50 Years R/o. Aadarsh Nagar Kusmunda, District - Korba (Chhattisgarh) Working As Teacher In The Government East Medium School Gevra, Vikas Khand Katghora District Korba (Chhattisgarh). ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through - Secretary School Education Department Mantralaya, Mahanadi Bhawan, Naya Raipur Atal Nagar, District - Raipur (Chhattisgarh)
2. District Education Officer, District - Korba (Chhattisgarh)
3. Block Development Education Officer, Katghora, District - Korba (Chhattisgarh)
4. Block Development Education Officer, Pali, District - Korba (Chhattisgarh). ---- **Respondents**

WPS No. 2014 of 2023

- Smt. Mamta Singh Rajput W/o Ashwani Darshan Aged About 39 Years Presently Posted And Working As Teacher (L.B), Govt. Middle School, Charbhata, Block Gharghoda, District Raigarh Chhattisgarh. ---- **Petitioner**

Versus





1. State Of Chhattisgarh Through The Secretary, Department Of School Education (T), Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Director Directorate Of Public Instructions, Indrawati Bhawan, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur Atal Nagar, District Raipur Chhattisgarh
3. District Education Officer Korba District Korba Chhattisgarh
4. District Education Officer Raigarh, District Raigarh Chhattisgarh.

---- Respondents

WPS No. 2056 of 2023

- Smt. Thamita Sahu Wife of Laxminarayan Sahu, Aged About 30 Years Working As Teacher (L.B.) Resident of Jayanti Nagar, Mainpur, District - Gariyaband (Chhattisgarh).

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya Atal Nagar, New Raipur (Chhattisgarh)
2. The Director, Directorate of Public Instructions, Indravati Bhawan, Nawa Raipur, District - Raipur (Chhattisgarh)
3. The District Education Officer, District - Gariyaband (Chhattisgarh)
4. The Block Education Officer, Mainpur, District - Gariyaband (Chhattisgarh)
5. The Headmaster, Government Pre-Middle School, Pendra, Block - Mainpur, District - Gariyaband (Chhattisgarh)
6. The District Education Officer, Balod, District - Balod (Chhattisgarh)
7. The Block Education Officer, Doundi, District - Balod (Chhattisgarh)
8. The Headmaster, Government Pre-Middle School, Arajundra, Block-Doundi, District - Balod (Chhattisgarh)

---- Respondents

WPS No. 2075 of 2023





- Sewanand Pant S/o Laidas Pant Aged About 47 Years Posted As Teacher (LB), At Government Middle School Kerajhariya Block Pali, District : Korba, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer Korba, District : Korba, Chhattisgarh
4. Block Education Officer Pali, District : Korba, Chhattisgarh

---- **Respondents**

WPS No. 2087 of 2023

- Pratima Verma W/o Chandan Verma Aged About 31 Years Presently Posted And Working As Teacher, Government Middle School, Korasi, Block Chura, District : Gariyabandh, Chhattisgarh.

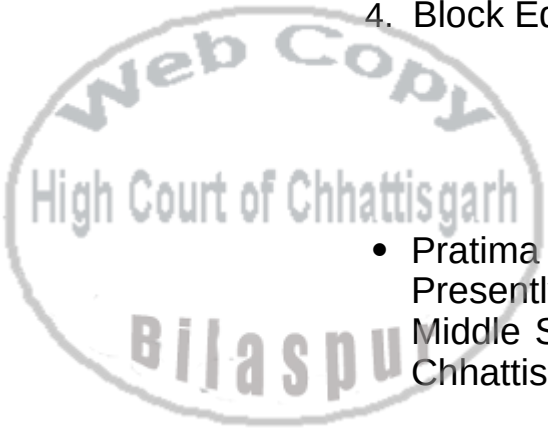
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education (T), Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District : Raipur, Chhattisgarh
2. Director, Directorate Of Public Instructions, Indrawati Bhawan, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District : Raipur, Chhattisgarh
3. District Education Officer, Balrampur- Ramanujganj, District - Balrampur - Ramanujganj, Chhattisgarh.
4. District Education Officer, Gariyaband, District : Gariyabandh, Chhattisgarh
5. Block Education Officer, Chura, District : Gariyabandh, Chhattisgarh.

---- **Respondents**

WPS No. 2095 of 2023





- Smt. Pramila Sidar W/o Brijendra Aged About 34 Years Posted As Teacher (L.B.), At Government Middle School Ranjana Block Katghora, District : Korba, Chhattisgarh

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer Korba, District : Korba, Chhattisgarh
4. Block Education Officer Katghora, District : Korba, Chhattisgarh.

---- **Respondents**

WPS No. 2102 of 2023

- Mrs. Sheela Bhagat W/o Rajuram Bhagat Aged About 37 Years Posted As Teacher (Lb), At Government Middle School Chhirra Block Katghora, District : Korba, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer Korba, District : Korba, Chhattisgarh
4. Block Education Officer Katghora, District : Korba, Chhattisgarh.

---- **Respondents**

WPS No. 2107 of 2023

- Pradeep Kumar Sahu S/o Manharan Lal Sahu Aged About 52 Years Posted As Teacher (L.B.), At Government Middle School Balgikhar Block Katghora, District : Korba, Chhattisgarh.

---- **Petitioner**





Versus

1. State Of Chhattisgarh Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer Korba, District : Korba, Chhattisgarh
4. Block Education Officer Katghora, District : Korba, Chhattisgarh. ---- Respondents

WPS No. 2123 of 2023

- Jyotibhushan Singh Kanwar S/o Dhir Singh Aged About 49 Years Posted As Teacher (L B), At Government Middle School Mohlinebhata Block Katghora District Korba Chhattisgarh. ---- Petitioner

Versus

1. State of Chhattisgarh School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. District Education Officer School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. District Education Officer Korba, District Korba Chhattisgarh
4. Block Education Officer Katghora, District Korba Chhattisgarh. ---- Respondents

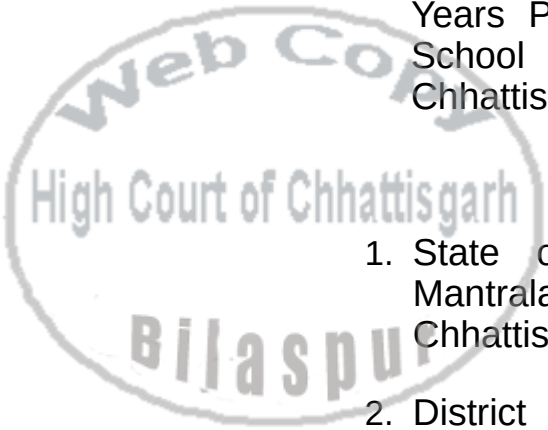
WPS No. 2125 of 2023

- Kanhaiya Lal Yadav S/o Dhanesh Ram Yadav Aged About 44 Years Posted As Techer (Lb), At Government Middle School Raliya Block Katghora, District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh





2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer Korba, District : Korba, Chhattisgarh
4. Block Education Officer Katghora, District : Korba, Chhattisgarh. **---- Respondents**

WPS No. 2130 of 2023

- Smt. Anuradha Dewangan W/o Gowardhan Dewangan Aged About 44 Years Posted As Teacher (L.B.), At Government Middle School Sumedha Block Katghora District Korba (C.G.). **---- Petitioner**

Versus

1. State of Chhattisgarh, Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
3. District Education Officer Korba, District Korba (C.G.)
4. Block Education Officer Katghora District Korba (C.G.)

---- Respondents

WPS No. 2160 of 2023

- Vikash Kumar Jaiswal S/o N. K. Jaiswal Aged About 34 Years Posted As Teacher (L. B.) At Government Middle School Lakhanpur Block Pondi- Uroda, District : Korba, Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer Korba, District : Korba, Chhattisgarh



4. Block Education Officer Pondi- Uproda, District : Korba, Chhattisgarh. ---- Respondents

WPS No. 2183 of 2023

- Shivbaran Gupta S/o Shri Ram Surat Gupta Aged About 48 Years Teacher, R/o Biharpur Tahsil Biharpur District Surajpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur, Raipur (Chhattisgarh)
2. State Of Chhattisgarh Through Upper Secretary, General Administration Department Mahanadi Bhawan, Atal Nagar New Raipur District Raipur (Chhattisgarh)
3. The Under Secretary School Education Department, Mantralaya Mahanadi Bhawan Atal Nagar Naya Raipur, Raipur (Chhattisgarh)
4. The Collector Surajpur District Surajpur (Chhattisgarh)
5. District Education Officer Surajpur District Surajpur (Chhattisgarh)
6. Block Education Officer Oudgi District Surajpur (Chhattisgarh) ---- Respondents

WPS No. 2187 of 2023

- Tejnath Singh S/o Late Rambriksh Singh Aged About 48 Years Presently Working As Head Master At Middle School Khond, Block - Odgi, District : Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Upper Secretary, General Administration Department Mahanadi Bhawan, Atal Nagar, New Raipur District Raipur Chhattisgarh.
3. The Under Secretary, School Education Department,



Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur,
Raipur Chhattisgarh.

4. The Collector Surajpur District Surajpur Chhattisgarh.
5. District Education Officer, Surajpur, District : Surajpur,
Chhattisgarh
6. Block Education Officer, Oudgi, District : Surajpur,
Chhattisgarh. ----- Respondents

WPS No. 2109 of 2023

- Ajay Kujur S/o Joseph Kujur Aged About 42 Years
Occupation Assitant Teacher L.B., Posted At Government
Middle School, Akhrapali, Block Division Korba District
Korba Chhattisgarh. ----- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Education
Department, Indravati Bhavan, New Raipur District Raipur
Chhattisgarh
2. Collector Korba District Korba Chhattisgarh
3. District Education Officer Korba, District Korba Chhattisgarh
4. Block Education Officer Block Division Korba, District Korba
Chhattisgarh. ----- Respondents

WPS No. 2427 of 2023

- Seema Tembhare W/o Shri Ajay Tembhare Aged About 47
Years R/o Mahendra Nagar, Lalbag, Rajnandgaon, District :
Rajnandgaon, Chhattisgarh. ----- Petitioner

Versus

1. State Of Chhattisgarh, Through - The Secretary, Department
Of School Education, Mantralaya, Mahanadi Bhawan, Naya
Raipur, Atal Nagar, District : Raipur, Chhattisgarh.
2. District Education Officer, Raigarh District Raigarh,
Chhattisgarh.
3. Block Education Officer Kharsiya, District Raigarh,
Chhattisgarh.
4. The Collector, Raigarh, District : Raigarh, Chhattisgarh.

----- Respondents



For Respective Petitioners : Mr. Goutam Khetrapal, Advocate
Mr. Parag Kotecha, Advocate
Mr. Sunil Kumar Soni, Advocate
Mr. B.D. Guru, Advocate
Mr. Mateen Siddique, Advocate
Mr. Awadh Tripathi, Advocate
Mr. Dheerendra Pandey, Advocate &
Mr. Raj Kumar Sahu, Advocate

For State : Mr. Sandeep Dubey, Deputy Advocate
General
Ms. Sunita Jain, Government Advocate
Mr. Ravi Bhagat, Deputy Government
Advocate
Ms. Ruchi Nagar, Deputy Government
Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

21.04.2023

Heard.

1) These batch of writ petitions are filed against the cancellation of relieving order.

2) The petitioners are Assistant Teachers in Education Department working in local body and rural areas. Vide order dated 30.09.2022 total 820 teachers were transferred. Some of the petitioners were relieved by their superior authorities in pursuance of their transfer order. Later on, the State Government found that on account of transfer of 235 teaches, 172 schools are being run by a single teacher, 19 schools have no teachers, 20 teaches were transferred during probation period, 15 teachers were transferred to the schools, where no posts are lying vacant, 3 teachers have been transferred from E-cadre to T-cadre, 5 teachers have been transferred from T-cadre to E-cadre and 1 teacher has been transferred contrary to the ratio of the students, and thus, 235 teachers were transferred contrary to the



guidelines of Transfer Policy. It is also stated that out of 235 teachers 161 teachers have already been relieved, whereas, 74 are still performing their duties as they have not been relieved.

- 3) Learned counsel appearing for respective petitioners would submit that the transfer order was issued by the State Government, consequently, some of the teachers have been relieved and they have already joined their duties at the transferred places, therefore, the transfer orders cannot be modified by the State after its execution. They would further submit that incorrect information was given by the State that some of the schools are being run by a single teacher. Despite transfer order, some of the petitioners have not been relieved and some of the petitioners who have been relieved by the authorities are not permitted to join their services at the transferred places. Thus, learned counsel for the petitioners would submit that the action of the respondent authorities is arbitrary, illegal and contrary to the Transfer Policy.

- 4) On the other hand, learned State counsel would submit that on account of some inadvertence, incorrect information was uploaded in the portal, therefore, 235 teachers were transferred contrary to the Transfer Policy, however, those 235 teachers were transferred on their own request. He would further submit that a meeting was convened by the Chief Secretary of State Government in pursuance of direction issued by this Court in WPS No. 1955 of 2023 on 17/03/2023 and decision has been taken to accommodate the teachers as per the Transfer Policy.

- 5) I have heard learned counsel for the parties and perused the documents.

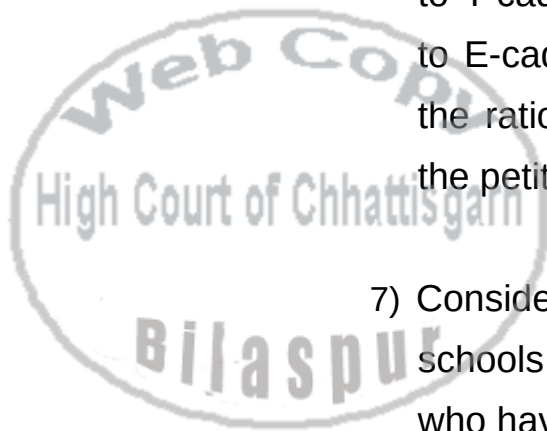




6) It is not in dispute that the transfer order was issued by the State Government on 30.09.2022 and the State was under obligation to verify all the aspects as pointed out by the learned State Counsel, before issuance of the transfer order. In most of the cases, the petitioners have joined their respective places of transfer. Though the corollary of the transfer order has created havoc as 172 schools are being run by a single teacher, 19 schools have no teachers, 20 teachers were transferred during probation period, 15 teachers were transferred to the school where no posts are lying vacant, 3 teachers have been transferred from E-cadre to T-cadre, 5 teachers have been transferred from T-cadre to E-cadre and 1 teacher has been transferred contrary to the ratio of the students, and it is also worthy to note that the petitioners were transferred on their own request.

7) Considering the difficulty of the State, who has to run the schools and also considering the difficulty of the petitioners, who have already joined at their respective place of transfer, in this situation, it would be appropriate to set-aside the transfer order dated 30.09.2022 issued against the 235 teachers. The State is directed to issue fresh posting order. The petitioners shall not be compelled to join against their wishes, the State shall take care of single teacher schools as well as teacher less schools, and also the issue of transfer of one cadre to another cadre and transfer of teachers to the school where no posts are lying vacant.

8) During the course of argument, it was informed by the learned counsel for the parties that many of the schools have surplus teaching staff, therefore, the concerned authorities are directed to accommodate those teachers at the suitable place.





- 9) The authorities while issuing transfer orders shall consider the following factors:-
- (i) Posting of teachers in teacher less and single teacher schools be done on priority basis;
 - (ii) If post is lying vacant then posting should preferably be done in the same institution or within same block;
 - (iii) If no post is lying vacant then posting may be done in the near by block or the adjoining blocks;
 - (iv) The authorities shall also bear in mind the surplus staff posted at a particular school, and accordingly issue the posting orders;
 - (v) The request of the teachers on medical ground;
 - (vi) Posting of spouse at the same station, where the other spouse is posted;
 - (vii) Request of teachers who are on the verge of retirement i.e. 1 year or less is left for their superannuation;
 - (viii) Request of teachers who are physically handicapped.

This entire exercise shall be carried out by the authorities within a period of 30 days from the date of receipt of copy of this order.

10) The teachers who are working at the transferred places or who have joined their new place of posting shall not be disturbed, if they are not in surplus.

11) With the aforesaid observation(s)/directions(s), the writ petitions are disposed of.

Sd/-
(Rakesh Mohan Pandey)
Judge