



NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR**

**WPS No. 6834 of 2022**

Vinay Kumar Tiwari S/o Bholanath Tiwari Aged About 44 Years Presently Working As Lecturer (L.B.), Chemistry In The Government Higher Secondary School Bahatari, Block - Bilha, District : Bilaspur, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Principal Secretary, Department Of School Education Mahanadi Bhawan Atal Nagar, District : Raipur, Chhattisgarh
2. The Directorate Of Public Instruction Department Of School Education Indrawati Bhawan Atal Nagar, District : Raipur, Chhattisgarh
3. The District Education Officer Bilaspur, District : Bilaspur, Chhattisgarh
4. The Principal Government Higher Secondary School Bahatari, Block - Bilha, District : Bilaspur, Chhattisgarh
5. Sunanda Donte Presently Lecturer (L.B.), Chemistry In The Government Higher Secondary School Tikari, Block - Masturi, District : Bilaspur, Chhattisgarh

---- Respondents

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

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

**Order On Board**

**01/11/2022**

Heard.

1. Challenge in this petition is to order dated 30.09.2022 whereby



the petitioner who is working as Lecturer (LB) (Chemistry) and posted at Govt. Higher Secondary School, Bahtarai, Block-Bilha, District- Bilaspur, has been transferred to Govt. Higher Secondary School, Tikari, Block- Masturi.

2. Learned counsel for the petitioner would submit that the petitioner is suffering from 50 per cent disability and as per Clause 2.8 and 3.9 of the Transfer Policy, employee who is suffering from disability is to be posted in place where the employee could easily get public conveyance. The place of posting of the petitioner by way of transfer is an interior area and therefore he may suffer some difficulty. Learned counsel for the petitioner submits that the petitioner has already submitted representation before the Director, Public Instructions and till decision on the representation of the petitioner, some interim protection may be granted to him.

3. Learned counsel for the State would submit that petitioner is a Govt. servant holding transferable post, hence, has no vested right to remain posted at one place and is liable to be transferred from one place to other. Impugned transfer order is issued by competent authority on administrative ground. Hence, it does not call for any interference. He further submits that respondent No.5 has already joined on 12.10.2022, petitioner is relieved on 15.10.2022 and there is only one post of Lecturer (Chemistry) in the Govt. Higher Secondary School Bahtarai. The petitioner has





not submitted any representation before the Committee constituted by the State Govt. under Transfer Policy to consider grievance of employee against transfer and if the petitioner submits representation before the concerned Committee raising his grievances, the same shall be considered and decided by the Committee in accordance with law.

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

5. Taking into consideration the facts of the case, submission of learned counsel for the petitioner that the petitioner is suffering from 50 per cent disability, as also Clause 2.8 and 3.9 of the Transfer Policy, I find it appropriate to dispose of this writ petition, instead of keeping it pending seeking reply from the respondents, permitting the petitioner to submit a representation before the Committee constituted under the Transfer Policy within a period of 12 days from today and in turn, the concerned Committee is directed to decide the representation to be submitted by the petitioner expeditiously, preferably within a period of 3 weeks from the date of receipt of representation.

6. For a period of 5 weeks or till decision on the representation whichever is earlier, no coercive steps shall be taken against the petitioner pursuant to impugned transfer order.

7. With the aforementioned observation and direction, the writ petition stands disposed of.





8. Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
Judge

Praveen

