NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 6774 of 2022

Dr. Jasinta Minj W/o Shri Suman Kumar Minj Aged About 60 Years Presently Posted as Assistant Professor (Political Science), Government Post Graduate College, Ambikapur, District Surguja (C.G.). R/o Near Power House, Kanya Parisar Road Vishunpur, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. The Secretary Government of Chhattisgarh, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
3. The Commissioner Directorate of Higher Education, Indrawati Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
4. The Principal Government Post Graduate College, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh.
5. The In-charge Principal Government College, Batauli, District : Surguja Chhattisgarh.
6. Shri Piyush Kumar Pandey Assistant Professor (Political Science), Government College, Batauli, District Surguja (CG). Through The In-charge Principal, Government College, Batauli, District : Surguja (Ambikapur), Chhattisgarh.

--- Respondents

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High Court of Chhattisgarh
Bilaspur

For Petitioners : Mr. RS Marhas, Advocate.
For Respondent/State : Ms. Hamida Siddiqui, Dy. AG.

Hon'ble Shri Parth Prateem Sahu, Judge
Order on Board

31/10/2022

Heard.

1. By this petition, petitioner has challenged impugned order of transfer dated 30.09.2022, (Annexure P-1 & P-2), whereby petitioner who is working as Assistant Professor (Political Science) at Rajiv Gandhi Government PG College, Ambikapur, District Surguja is transferred to Government College, Batauli, District Surguja.
2. Learned counsel for petitioner submits that petitioner is aged about 60 years and got infected with Covid -19 pandemic, still under treatment of post Covid effect. Petitioner is transferred only to accommodate private respondent No.5. Her husband is also Government servant and looking to medical ailment of his wife, he requested for his transfer to Ambikapur and has been transferred only in the month of June, 2022. Petitioner has already submitted representation on 10.10.2022 (Annexure P-6) before respondent No.1 which is pending consideration. However, he submits that till decision of representation some

interim protection may be granted to petitioner.

3. Learned State Counsel submits that petitioner is a Government 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 no call for any interference. The representation which counsel for petitioner is referring to (Annexure P-6) submitted before respondent No.1 and not before the Committee constituted by State Government. If petitioner is aggrieved in any manner with her transfer, she can very well file 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 consider in accordance with law.
4. Heard learned counsel for the parties and perused record.
5. Upon asking, counsel for petitioner submits that as per his instruction petitioner has been relieved pursuant to transfer order.
6. Considering entire facts and circumstances of the case, grounds raised in writ petition, submissions of learned counsel for parties, documents available on record, including Transfer Policy 2022, I am of the view that this writ petition can be disposed of permitting the petitioner to file fresh/detailed representation before the Committee constituted under the Transfer Policy raising all grounds available to him within a period of **'10 days**' from today and if such representation is filed by petitioner, concerned Committee is directed to consider and decide the same within a further period of '**three weeks'** from the date of receipt of copy of representation.
7. For a period of **'five weeks'** or till decision on representation, whichever is earlier no coercive steps shall be taken against the petitioner.
8. Accordingly, writ petition stands disposed off with aforesaid direction.

Sd/-
(Parth Prateem Sahu)
JUDGE

J/-

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