



Serial No of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
3.	26-8-2003	<p>We have heard Mr. A. Moulik for the petitioner and the learned Advocate General for the respondents.</p> <p>In this writ petition, the petitioner who is a Post Graduate Teacher challenges the validity of his transfer from Namchi Senior Secondary School to Chujachen Senior Secondary School as communicated in the Education Department Office Order No.298/Est.I/Edn. dated 1-4-2003 at Annexure P-17. When this matter came up for hearing on 23-7-2003, having regard to the ailments of the petitioner, we directed the learned State counsel to explore any possibility of posting him near Gangtok where he can get medical treatment. Learned Advocate General submitted that considering the facts and circumstances, the State Govt. has modified the impugned transfer order and has now posted him at Dikling Senior Secondary School. In view of this transfer order of the petitioner to Dikling Senior Secondary School, the writ petition has become infructuous.</p> <p>Mr. Moulik brought to our notice the condition of the petitioner and the medical treatment which he is undergoing. He submitted that if the petitioner can be posted at Gangtok, he would be able to get better medical treatment. Mr. Moulik also says that on mutual transfer, the petitioner can be posted at Gangtok. We may say that all these aspects can not be considered by this Court and it is for the State Govt. in the appropriate department to consider the same. The petitioner is, therefore, at liberty to make a fresh representation to the State Govt. We make it clear that we are not expressing an opinion on the merit of the submissions of Mr. Moulik. If any representation is made by</p>	

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	rs/	<p>the petitioner, the State Govt. may consider the same according to law. The petitioner is however directed to join in his new place of posting at Dikling within three weeks. With the aforesaid observations and directions, the writ petition is disposed of.</p> <p>   (N. Surjmani Singh)  Judge  26-8-2003. </p> <p>   (R.K. Patra)  Chief Justice  26-8-2003. </p>	