

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

Writ Appeal No.996/2021

Smt. Nirmala Vyas v/s The State of Madhya Pradesh & Others
Indore, dated 20.10.2021

Shri Rajeev Kumar Jain, learned counsel for the appellant.

Shri Vivek Dalal, learned Additional Advocate General for the respondents / State.

With the consent, finally heard.

Learned counsel for the appellant submits that the learned Single Judge was kind enough in directing the respondents to decide the representation but till such time representation is decided, the appellant may be protected. In support of this contention, he urged that impugned order of transfer dated 31.08.2021 shows that appellant was working as a Principal, High School whereas she is transferred as Principal, Higher Secondary School. The post of Principal, High School and Principal Higher Secondary School are different, and therefore, the appellant could not have been transferred from the post of Principal, High School to Principal, Higher Secondary School. The respondents may consider this aspect while deciding the representation and till such time, the appellant may be protected.

Shri Vivek Dalal, learned Additional Advocate General has no objection to this innocuous prayer.

Learned counsel for the appellant at this stage informs that the appellant has already preferred a representation.

Thus, this writ appeal is disposed of by directing respondent No.1 to decide the representation of the appellant by passing a reasoned order expeditiously preferably within two weeks from the

date of production of copy of this order. If this order and aforesaid representation is resubmitted within three working days from today before respondent No.1, till decision is taken on the said representation, the appellant be permitted to work at present place of posting if nobody has joined on the said post. If anybody else has joined on the said post which was being occupied by the appellant, till decision of representation, no coercive action be taken against the appellant for not joining at the place of transfer.

With the aforesaid and without expressing any opinion on the merits of the case, the Writ Appeal is disposed of.

(SUJOY PAUL)
J U D G E

(PRANAY VERMA)
J U D G E

Ravi