

HIGH COURT OF M.P. : BENCH AT INDORE**W.P. No.18350/2021****Indore : 16/09/2021 :-**

Shri Vivek Patwa, learned counsel for the petitioner.

Shri Chetan Jain, learned Panel Lawyer for the respondents/State.

Heard on the question of admission and on interim relief.

ORDER

By this petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 31/08/2021 (Annexure-P/4) passed by respondent No.1 whereby he has been transferred from Primary School at Village-Nagziri, Tehsil-Goganwa to Village-Mahetwara, Tehsil-Maheshwar in District-Khargone.

2. The contention of learned counsel for the petitioner is that the petitioner, who is a Teacher, has been transferred in contravention to the terms and conditions of the transfer policy dated 24/06/2021 of the State Government; particularly Clause 33, which provides that an Office Bearer of a recognized organization shall not be transferred for two successive terms of two years each i.e. for total period of four years. The petitioner is a Tehsil President of AJJAK Sangh, as is evident from the document (Annexure-P/6) dated 22/09/2018 issued by the Sangh. It is submitted that the petitioner is still the President of the Sangh. It is further submitted that transfer order is in contravention of transfer policy of the State Government hence is illegal and bad in law.

3. Learned Panel Lawyer for the respondents/State has opposed the prayer and has supported the impugned transfer order.

4. In the available facts of the case, I deem it fit and appropriate to direct petitioner to prefer a representation against his transfer order to the respondents within a period of 7 days alongwith all requisite documents. In case such representation is preferred by the petitioner, then the same shall be decided by the respondents/Competent Authority within a period of one month from the date of its receipt. If

the representation as aforesaid is preferred by the petitioner within 7 days, then, in that case the impugned transfer order dated 31/08/2021 (Annexure-P/4) in so far as it relates to the petitioner shall remain stayed, till the decision of the representation and the petitioner shall be allowed to continue to work at his present place of posting.

5. With the aforesaid direction, petition stands disposed of finally.

6. It is made clear that this Court has not expressed any opinion on merits of the case.

C.C. as per rules.

Aiyer*

**(Pranay Verma)
Judge**