

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

WP NO.19011/2021

Bapusingh Bhide s/o Shri Laxmansingh
Age 49 years, occupation service Primary Teacher,
R/o Gram Richvi Alirajpur,
District Alirajpur, M.PPetitioner.

vs.

1.Principal Secretary
School Education,
Vallabh Bhawan, Bhopal
2.Collector (Janjatiya Karya Vibhag)
District Alirajpur
3.Assistant Commissioner, Adiwasi
Vikas, Alirajpur, district AlirajpurRespondents.

16.09.2021: (Indore):

Smt.Sharmila Sharma, learned counsel for the petitioner.

Shri Shrey Raj Saxena, learned Dy.AG for the State on advance copy.

Heard.

Petitioner has filed the present petition seeking quashment of the transfer order dated 07.08.2021 whereby he has been transferred from Primary School, Patel Phalia, Richwi Vikas Khand Alirajpur to Primary School, Malphalia, Barchar Vikas Khand, Chandrasekhar Azad Nagar, district Alirajpur on administrative ground.

Learned counsel for the petitioner submits that the impugned transfer order is illegal and arbitrary as the same has been passed in violation of the Transfer Policy framed by the State Govt. He has not completed the normal tenure of 3 years at the present place of posting and he has been transferred on account of political malice. His brother, who is physically unfit and is residing with him, is totally dependent on him. The petitioner has already made a representation (Annexure P/2) against his transfer order which is pending consideration and decision by the competent authority.

Learned Panel Lawyer opposes the prayer, however, submits that the petition may be disposed of by directing the respondents to decide the representation filed by the petitioner.

The grounds raised in this petition challenging the impugned transfer order are liable to be considered by the transferring authority instead of this Court under Article 226 of the Constitution of India as there is no violation of service conditions or mala fide in the impugned transfer order. Hence, the petition is disposed of with direction to the transferring authority to consider and decide the representation submitted by the petitioner preferably within a period of 60 days from the date of production of certified copy of this order.

With the aforesaid direction, the petition stands disposed of.

C.c as per rules.

(VIVEK RUSIA)
JUDGE

hk/

