

**HIGH COURT OF M.P. : BENCH AT INDORE****W.P. No.19024/2021****Indore : 16/09/2021 :-**

Ms. Sharmila Sharma, 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/1) passed by respondent No.3 whereby he has been transferred from Primary School, Lakhankot, Vikas Khand, Alirajpur to Primary School, Kirad Falia Kunder, Vikas Khand, Katdiwara, District-Alirajpur.

2. The contention of learned counsel for the petitioner is that the petitioner, who is a Primary Teacher, has been transferred in contravention to Clause 23 of the transfer policy dated 24/06/2021 of the State Government. The petitioner as well as his wife are both Government Servants and they ought to have been posted at the same place. It is further submitted that petitioner has been subjected to frequent transfer inasmuch as he had been transferred to his present place of posting less than two years. It is submitted that as a result of transfer, the petitioner as well as his entire family has been put to great hardships, since children of the petitioner are studying in Alirajpur. It is 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. During course of arguments, learned counsel for the petitioner submits that against his transfer order petitioner has already made a representation dated 09/09/2021 (Annexure-P/2) to the Collector, District-Alirajpur, which is pending consideration.

5. In the available facts of the case, I deem it fit and appropriate

only to direct respondents/Competent Authority to consider and decide the representation dated 09/09/2021 (Annexure-P/2) submitted by the petitioner within a period of two weeks from today by passing a reasoned and a speaking order.

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

7. 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**