

HIGH COURT OF M.P. : BENCH AT INDORE**W.P. No.19041/2021****Indore : 16/09/2021 :-**

Shri S.M. Porwal, 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 28/08/2021 (Annexure-P/1) passed by respondent No.2 whereby he has been transferred from Government Higher Secondary School, Semli Istmurar, Sankul, Government Boy's Higher Secondary School, Kukdeshwar, Tehsil-Manasa, District-Neemuch to Government Primary School, Kulmiya Sankul, Government Higher Secondary School, Kadwasa, Tehsil-Jawad, District-Neemuch.

2. The contention of learned counsel for the petitioner is that the petitioner has been transferred to a place which is at a distance of about 200 Kms. from his present place of posting. Wife of the petitioner is suffering from serious Thyroid ailment and requires medical treatment, which is not available at the transferred place. Daughter of the petitioner is also undergoing B.Ed. Course at the present place of posting and at the transferred place it will be very difficult for her to pursue her studies. It is further submitted that petitioner has submitted an application dated 15/07/2021 to the Competent Authority for his voluntary transfer to any of the places, as indicated by him in the application but the said application has not been considered and the impugned transfer order has been passed. 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 the arguments, learned counsel for the

petitioner submits that against his transfer order petitioner has already made a representation dated 31/08/2021 to the District Education Officer, District-Neemuch, respondent No.2, which is pending consideration.

5. In the available facts of the case, I deem it fit and appropriate only to direct respondent No.2 to consider and decide the representation dated 31/08/2021 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