

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 13th OF MAY, 2022

WRIT PETITION No. 10937 of 2022

Between:-

DR. D.S. BAMNIYA S/O LATE SHRI CHHAGAN BAMNIYA, AGED ABOUT 53 YEARS, OCCUPATION: SERVICE, ASSISTANT PROFESSOR IN METHEMATICS IN GOVT. PG COLLEGE, KHARGONE HOUSE NO. F-1, BRIJ VIHAR COLONY (MADHYA PRADESH)

.....PETITIONER

(BY SHRI L.C. PATNE, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH SECRETARY VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. THE CHIEF SECRETARY, GOVT. OF M.P. VALLABH BHAWAN, MANTRALAYA, BHOPAL (MADHYA PRADESH)**
- 3. THE PRINCIPAL GOVERNMENT PG COLLEGE KHARGONE (MADHYA PRADESH)**

.....RESPONDENTS

(BY MS. VINITA PHAYE, GOVERNMENT ADVOCATE)

This petition coming on for admission this day, the court passed the following:

ORDER

1. By this petition preferred under Article 226 of the Constitution of India the petitioner has challenged the order dated 06.08.2021 (Annexure P/1) passed by the respondent No.1 whereby he has been transferred from Government P.G. College, Khargone to Government College, Pipliya Mandi, District Mandsaur. The petitioner has also challenged the order dated 12.03.2022 whereby his representation against the said transfer order has been rejected.

2. The primary contention of the learned counsel for the petitioner is that as per Clause 14 of the Transfer Policy dated 24.06.2021 of the State Government, since the present place of posting of the petitioner is in a scheduled area, until and unless some other person is posted in his place, he could not have been transferred. As no one has been transferred in place of the petitioner, the transfer order of the petitioner is illegal.

3. Learned counsel for the respondents/State submits that the aforesaid Clause of the Transfer Policy only relates to relieving of the employee and does not operate as a bar for his transfer.

4. From the documents as have been brought on record it appears that no one else has been transferred in place of the petitioner as yet. As per Clause 14 of the Transfer Policy of the State Government the petitioner cannot be relieved until some other employee is posted in his place and joins at that place. Thus in the available facts of the case, I deem it proper to direct that the

petitioner shall be permitted to continue to work at his present place of posting. Whenever some other person is posted at the present place of posting of the petitioner and joins over there, the petitioner shall be relieved from his present place of posting to join at his transferred place. In that eventuality it shall not be open for the petitioner to raise any grievance in regard to his transfer order.

5. With the aforesaid direction, the petition stands **disposed off** C.C. as per rules.

Aiyer*

(Pranay Verma)
Judge