

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5911 of 2024**

1 - Chitralekha Verma (Parganiha) W/o. Mr. Lakshmi Narayan Verma Aged About 46 Years Pt. Shyama Prasad Mukherjee Ward, Bhatapara, District - Balodabazar-Bhatapara (C.G.) Presently Posted As Staff Nurse, Civil Hospital, Bhatapara (C.G.) (Wrongly Mentioned As Chitralekha Verma In The Impugned Order)

... Petitioner

versus

1 - State Of Chhattisgarh Through Additional Chief Secretary, Department Of Health And Family Welfare, Mantralay, Mahanadi Bhawan Nava Raipur, Atal Nagar, Raipur (C.G.)

2 - Secretary Medical Education Department Of Health And Family Welfare, Mantralay, Mahanadi Bhawan Nava Raipur, Atal Nagar, Raipur (C.G.)

3 - Director Directorate Of Health Services, Department Of Health And Family Welfare First Floor, Swasthya Bhawan, Sector-19, Nava Raipur Atal Nagar, Raipur (C.G.)

4 - Director Directorate Of Medical Education, Old Nurses Hostel, Dks Bhawan Campus, Raipur (C.G.)

... Respondents**Order Sheet**

26/09/2024	Mr. Shalvik Tiwari, Advocate for the petitioner. Mr. Suyashdhar Badgaiya, Dy. G. A. for the State. Heard. Issue notice to respondents. Mr. Suyashdhar Badgaiya accepts notice on behalf of respondents, hence, no process fee is required to be paid for issuance of notice to respondents.



	Also heard on I.A. No. 02 of 2024 which is an application for grant of interim relief / stay. Petitioner has challenged the order dated 11.09.2024 whereby service of petitioner has been transferred from Civil Hospital, Bhatapara Distt. - Balodabazar – Bhatapara to Dr. Bheem Rao Ambedkar Hospital, Raipur. Learned counsel for petitioner submits that order of transfer issued is arbitrary and illegal. He contended that petitioner services were transferred by Dr. Bheem Rao Ambedkar Hospital to Community Health Centre, Bhatapara pursuant to order passed by Secretary, Health Services. In the order impugned it is not reflecting that consent of Health and Family Welfare Department has been obtained. He next contended that petitioner has been transferred in hospital of Family and Welfare Department, thereafter, similarly situated staff nurse has now been promoted in her parent department. He also contended that one of the similarly situated employee has approached this Court by way of filing this writ petition bearing W.P. (S.) No. 5908 of 2024 wherein this Court has passed an interim order of status quo and writ petition is pending, hence, similar relief may also be granted to petitioner.
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	Learned State counsel opposes the submission made by learned counsel for petitioner and submits that order Annexure – P/2 issued in administrative exigencies. He contended that petitioner is an employee of Medical Education Department. Medical Education Department and Health and Family Welfare Department are different department and appointments are made separately. Petitioner was not sent on deputation, however, she was only transferred vide order dated 23.08.2014. Petitioner has served of about 10 years in her transferred place and she has been called back in her parent department, therefore, there is no arbitrariness or illegality in order impugned. He also contended that interim order which is relied upon by learned counsel for petitioner, consideration is somewhat different and therefore, it will not be any help to petitioner. At this stage, learned counsel for petitioner submits that petitioner has also enclosed copy of mark-sheet of her children. One of the child of petitioner is studying in class 1st at Gurukul Senior Secondary Co-Educational School, affiliated to CBSE and another in class 4th. Petitioner being mother has to take care of both the children. Transfer of petitioner in midst of academic session of 2024 – 25,
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Shayna	started in month of April – 24 and as of now about more than 4 months have already completed of this academic session. Children of petitioner will not get admitted to any good school affiliated to CBSE and therefore, order impugned of transfer be intradicted. In support of his contention he places reliance upon decision of Hon’ble Supreme Court in case of Director of School Education vs. O. Karuppa Thevan reported in 1994 SCC Suppl (2) 666. Considering submission made by learned counsel for petitioner, in particular, that 2 children of petitioner are studying in the school affiliated to CBSE and date of transfer i.e. in the month of September, purely as an interim measure, it is directed that order dated 11.09.2024 so far as it relates to petitioner, shall remain stayed till next date of hearing. List this case in week commencing 04th of November, 2024. Sd/- (Parth Prateem Sahu) Judge
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