

Deepak Kumar Tiwari Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Nov-19-2012

Appellant : Deepak Kumar Tiwari

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Puneet Shroti

Judgement :

deepak kumar tiwari versus state 1 W.P.No.19281/2012 19/11/2012 Shri Puneet Shroti, learned counsel for the petitioner.

Shri S.S.Bisen, learned Govt.

Adv.for the respondents.

Petitioner is working as Assistant Teacher in Government Naveen Middle School, Harda, District Harda.

Petitioner was transferred from one school to another in the same District vide order dated 13.7.2012.

Challenging the said transfer order petitioner filed writ petition before this Court being W.P.No.11819/2012.

The said writ petition was disposed of by this Court and it was found by this Court that on the grounds of breach of transfer policy, judicial review of an administrative

order is not permissible.

It was also found by this Court that transfer is not passed in violation of any statutory rules or regulations not does it suffer from the vices of malafide.

Accordingly finding no case for interference writ petition was disposed of directing the competent authority to consider and decide the representation of the petitioner.

The representation is rejected by the District Education Officer vide order dated 26.10.2012 and therefore, petitioner is again before this Court.

Inter alia contending that transfer is in violation of rationalization policy of the State Government and therefore, the same is illegal.

That apart, it is stated that petitioner is more than 40% disabled and as transfer policy does not permit transfer of disabled person, transfer in violation of policy is unsustainable.

Having heard learned counsel for the parties, I am of the considered view that the grounds raised by the petitioner deepak kumar tiwari versus state 2 in this writ petition for challenging the transfer and the order rejecting the representation are the same i.e.violation of transfer policy and on such ground earlier also this Court has refused to interfere into the matter.

After the representation is rejected on the same grounds further interference is not called for.

Accordingly finding no case for interference, this petition is disposed of.

(Rajendra Menon) Judge mrs.mishra

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