

The High Court Of Madhya Pradesh

WP-18006-2021

(SARAWATI KUMAR BHARTI Vs THE STATE OF MADHYA PRADESH AND OTHERS)

1

Jabalpur, Dated : 09-09-2021

Heard through Video Conferencing.

Shri Rajesh Prasad Dubey, Advocate for the petitioner.

Shri Sachin Jain, Panel Lawyer for the respondents/State.

Heard on admission.

By the instant petition, the petitioner is challenging the order dated 30.08.2021 (Annexure-P/1) whereby he has been transferred from Government Middle School Sewara-Sewari to Government Middle School, Batyawada. The transfer is within the district i.e. district Sagar.

The learned counsel for the petitioner submits that in the school where the petitioner is posted, the strength of enrolled students is 72 and the petitioner is the only teacher in that school and if he is transferred then there will be no teacher in the school as nobody has been brought in place of the petitioner.

It is something surprising that on the one hand the Government is transferring its sole employee from a school having 72 enrolled students and on the other hand, neither anybody has been brought nor any alternative arrangement has been made. In such a situation, it is arduous to gather as to how the School would run in the absence of sole teacher and who would take care of the students of that school. It appears that the impugned order has been issued by the authorities without applying its mind, which draws a presumption that the government authorities have no compassion with the future of the students and no concern with the educational system, however, it is manifestly required duty of the government to act in the interest of public.

In such circumstances, the impugned order *prima facie* appears to be illegal; without application of mind and contrary to the public policy.

Accordingly, this Court does not think proper to allow implementation of the impugned order in respect of the petitioner because if he is relieved then school where the petitioner is posted would become teacher-less.

Accordingly, to ascertain the exactitude of present status of the school and with a view to safeguard the future of the enrolled students, the counsel for the respondents-State is directed to seek instructions and apprise this Court as to whether any alternative arrangement has been made by the government authorities by posting a teacher in the school where petitioner is presently posted, or not.

List this matter on **20.09.2021**.

Till then the operation of the impugned order dated 30.08.2021 (Annexure-P/1) in respect of the petitioner only shall remain stayed.

Certified copy as per rules.

(SANJAY DWIVEDI)
JUDGE

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