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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 1st OF DECEMBER, 2022
WRIT PETITION No. 27397 of 2022**

BETWEEN:-

**SHABIR MOHAMMAD S/O SHRI SHAKUR MOHAMMAD,
AGED ABOUT 46 YEARS, OCCUPATION: PRATHYAMIK
SHIKSHAK NAVODAY VIDHALAY KE SAMNE
KUNDRESHWAR TEHSIL AND DISTRICT TIKAMGARH
M.P. (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI SHRIKANT SHRIVASTAVA-ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH ITS
PRINCIPAL SECRETARY SCHOOL EDUCATION
DEPARTMENT VALLABH BHAWAN BHOPAL (M.P.)
(MADHYA PRADESH)**
- 2. THE COMMISSIONER PUBLIC INSTRUCTION
DEPARTMENT M.P. NAGAR, BHOPAL (MADHYA
PRADESH)**
- 3. DISTRICT EDUCATION OFFICER TIKAMGARH
DISTRICT TIKAMGARH (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI SUBODH KATHAR-GOVERNMENT ADVOCATE)

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

ORDER

Learned counsel for the petitioner assailing the order dated 21.10.2022 contained in Annexure P-1, by which the petitioner who is working as primary teacher and posted at Government Primary School Hasreu District-Tikamgarh is

being sought to be transferred to Government Primary School Udaipura District-Tikargarh.

Counsel for the petitioner contends that vider order dated 31.08.2021 contained in P-2 the petitioner herein was transferred from Government Primary School Magrari Government Primary School Hasreu and before completion of the normal tenure of 3 years again the petitioner is subjected to transfer. Counsel contends that in terms of Provision of Clause 9.2 policy dated 08.09.2022 which is contained in P-6, the petitioner has submitted an objection through online mode which is contained in Annexure P-5, therefore, submits that respondent concerned be directed to take decision on petitioner's representation application submitted by the petitioner vide Annexure P/1 within stipulated period.

Learned counsel for the respondent/State submits that the representation submitted by the petitioner in terms of Clause 9.2 of the Policy dated 08.09.2022 shall be dealt by the concerned respondent in accordance with law.

In view of the aforesaid, without expressing anything on merits of the case, respondent No. 2 is directed to take decision on petitioner's objection submitted by online mode contained in Annexure P/5 within a period of 30 days from the date of production of certified copy of the order passed today by passing a well reasoned and speaking order in accordance with law.

If certified copy of this order is not produced before the respondent No.2 within a period of 10 days from today, this order shall lose its efficacy automatically.

Till decision on petitioner's representation or for a period of 40 days (whichever is earlier) the petitioner herein, shall be permitted to continue at his present place of posting i.e. Government Primary School Hasreu District-

Tikamgarh

With the aforesaid, the petition stands **disposed off**.

(MANINDER S. BHATTI)
JUDGE

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