



2026:CGHC:21436

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 20 of 2024

Smt. Anjana Tirkey W/o Dr. A.S Kujur Aged About 44 Years Presently Posted As Vice-Principal At Girls Eklavya Model Residential School Sanna, Block - Bagicha, District - Jashpur, Chhattisgarh.

... Petitioner

versus

1 - State Of Chhattisgarh Through Its Secretary Department Of Tribal Welfare Development Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, District - Raipur, Chhattisgarh.

2 - Commissioner -Cum-Secretary, Chhattisgarh State Level Tribal Welfare Residential And Ashram Educational Institute Committee, Indrawati Bhawan, Atal Nagar, District - Raipur, Chhattisgarh.

3 - Collector-Cum-President, District Level Tribal Welfare Residential And Ashram Educational Institute Committee District - Jashpur, Chhattisgarh.

4 - Additional Collector, Jashpur, District - Jashpur, Chhattisgarh.

5 - Ku. Asha Tirkey, Lecturer (Lb), Government Higher Secondary School Bachchharav Block - Bagicha District - Jashpur, Chhattisgarh.

--- Respondents

For Petitioner : Ms. Zainabl Mustafa Vanak, Advocate.
For State/Respondent : Mr. Suyashdhar Badgaiyan, G.A.

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

07.05.2026

1. By the present petition, the petitioner is questioning the order dated 07/12/2023 Annexure P-1, whereby he has been transferred/attached from Eklavya Model Residential School Sanna, Block Bagicha to Govt. High School Tildega, Block Patthalgaon, C.G. as well as the order dated 11.12.2023 passed by the Collector, Jashpur, whereby the charge of the petitioner has been handed over to respondent No. 5.
2. Learned counsel for the petitioner submits that the impugned orders have been passed without jurisdiction and in violation of binding administrative instructions issued by the Commissioner-cum-Secretary. As per the letter dated 23.12.2022, removal or transfer of staff of Eklavya Adarsh Residential Schools requires prior enquiry, report, and approval of the competent authority, which was not obtained in the present case. The action is also contrary to earlier instructions dated 27.05.2019 aimed at ensuring uninterrupted functioning of the schools. Learned counsel further submits that neither the Additional Collector nor the Collector had the authority to pass the transfer/attachment order as the State Government is the appointing authority. The impugned order is also vitiated due to non-observance of principles of natural justice, as no opportunity of hearing was given to the petitioner. Learned counsel further submits that, in compliance of the order dated 05.01.2024 passed by this Court staying the effect and operation of the impugned orders dated

07.12.2023 and 11.12.2023, the petitioner is continuing in service at her present place of posting.

3. Learned counsel for the State submits that the impugned orders have been passed owing to levelling of certain allegations and even an enquiry has been initiated against the petitioner.
4. I have heard learned counsel for the parties, perused the pleadings and documents.
5. It appears from the order of this Court dated 05.01.2024 that the operation of the impugned orders dated 07.12.2023 and 11.12.2023 has been stayed and in view of the submission of learned counsel for the petitioner that the petitioner is continuing in her present place of posting by strength of the order of this Court dated 05/01/2024, it is directed that the petitioner be allowed to continue her service at the present place of posting and the respondents shall not insist upon the impugned orders which has been passed against the petitioner. However, the State is at liberty to pass any fresh order in accordance with law looking to the administrative exigency of service.
6. Accordingly, the present petition is disposed of.

SD/-

(Bibhu Datta Guru)
Judge

Amardeep