



CGHC010397182026



2026:CGHC:44023

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7464 of 2026

Preeti Tiwari W/o Shri Sanjay Kumar Tiwari, Aged About 59 Years Assistant Professor (Original Post Principal, E Cadre), Institute Of Advanced Studies In Education, Bilaspur, R/o E 22, Parijat Extension, Nehru Nagar, District Bilaspur (C.G.)

... Petitioner

versus

- 1 - State of Chhattisgarh Through Its Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar Nava Raipur, District Raipur (C.G.)
- 2 - The Director Directorate of Public Instructions, Indrawati Bhawan, Atal Nagar Nava Raipur, District Raipur (C.G.)
- 3 - The Director State Council of Educational Research And Training (SCERT), Shankar Nagar, District Raipur (C.G.)
- 4 - The Divisional Joint Director School Education Department, Bilaspur District Bilaspur (C.G.)
- 5 - The Principal Institute of Advanced Studies In Education (IASE), Tarbahar Bilaspur, District Bilaspur (C.G.)
- 6 - The Committee Of Senior Secretaries (Transfer Grievance Redressal Committee), Through Its Member Secretary, The Secretary In Charge, General Administration Department, Government of Chhattisgarh, Mahanadi Bhawan, Atal Nagar Nava Raipur, District Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. Vikram Sharma, Advocate
For State/Respondent	:	Mr. Vivek Verma, GA

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

12/10/2026

1. The petitioner has filed the present writ petition challenging the order dated 10.07.2026 (Annexure P-1), whereby her deputation as Assistant Professor at the Institute of Advanced Studies in Education, Bilaspur, has been discontinued and she has been repatriated to Government Higher Secondary School, Baldakachar, Block Kasdol, District Balodabazar-Bhatapara. The petitioner has also challenged the order dated 19.08.2026 (Annexure P-2), passed by the Committee of Senior Secretaries, whereby her representation against the impugned order has been rejected.
2. (A) Learned counsel for the petitioner submits that the impugned order dated 10.07.2026 has been passed on the basis of a complaint allegedly made against the petitioner and certain other employees of the Institute. It is contended that the petitioner, along with four other employees, was transferred pursuant to a common order shortly after the alleged complaint dated 26.05.2026. According to the petitioner, the action, though ostensibly administrative in nature, is punitive in substance. Learned counsel for the petitioner further submits that documents obtained under the Right to Information Act indicate that the proposal for transfer was forwarded by the Directorate of Public Instructions on the basis of a purported letter dated 13.11.2025, allegedly issued by the then Principal of the Institute. It is submitted that the former Principal, in

her complaint dated 01.08.2026 and affidavit dated 17.09.2026, denied having prepared, signed or sent any such proposal and alleged that her signature and the seal of the Institute had been forged. Reliance is also placed upon the communication issued by the present Principal and the registration of FIR No. 0338/2026 on 28.09.2026. It is contended that these circumstances demonstrate that the impugned order has been founded upon a fabricated document.

(B) Learned counsel for the petitioner also submits that the petitioner is suffering from diabetes, proliferative diabetic retinopathy and sixth nerve palsy of the right eye and that these medical circumstances were not properly considered while passing the impugned order. It is further contended that the Committee, while rejecting the petitioner's representation vide order dated 19.08.2026, has failed to examine the material grievance regarding the complaint and the alleged fabrication of the transfer proposal and has rejected the representation merely by observing that the impugned order does not violate the applicable Transfer Policy.

(C) Learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Somesh Tiwari v. Union of India and Others, reported in (2009) 2 SCC 592***, and submits that an order ostensibly passed on administrative grounds, but in fact founded upon extraneous considerations or mala fides, is liable to be interfered with by the Court. It is contended that the impugned order, though described as an administrative order, has been passed on the basis of a complaint and a purported transfer proposal whose authenticity is

disputed by the petitioner. On this basis, learned counsel submits that the impugned order deserves to be set aside.

3. (I) *Per contra*, learned State counsel raises a preliminary objection regarding the maintainability of the present petition. It is submitted that the petitioner had earlier approached this Court by filing W.P.(S) No. 5543 of 2026, which was disposed of vide order dated 24.07.2026, at the instance of the petitioner, with a direction to approach the Transfer Grievance Redressal Committee constituted by the State Government. Pursuant thereto, the petitioner submitted her representation, which was considered and rejected by the Committee vide order dated 19.08.2026. Learned State counsel further submits that the present petition seeks to raise several grounds which were neither raised in the earlier round of litigation nor specifically placed before the Committee for its consideration. It is contended that the petitioner cannot be permitted to reopen the dispute by introducing new grounds after the Committee has considered and decided the representation in compliance with the order passed by this Court.

(II) Learned State counsel further submits that the impugned order dated 10.07.2026 is, in substance, an order of repatriation and not an ordinary transfer order. The petitioner was serving at the Institute on deputation and has merely been repatriated to her original place of posting. A deputationist has no vested or enforceable right to continue on deputation, and the lending department is competent to recall its employee and repatriate her to the parent department without assigning any specific reason. Learned State counsel has placed reliance upon the

judgment of the Division Bench of this Court in W.A. No. 206 of 2019, in support of the aforesaid submission.

4. I have heard learned counsel for the petitioner and learned State counsel and have perused the material available on record.
5. From a perusal of Annexure P-1, it appears that the petitioner, who holds the substantive post of Principal in the E-cadre, was working on deputation as Assistant Professor at the Institute of Advanced Studies in Education, Bilaspur. By the impugned order dated 10.07.2026, her deputation has been discontinued and she has been repatriated to Government Higher Secondary School, Baldakachar, District Balodabazar-Bhatapara.
6. The record further reveals that the petitioner had earlier challenged the impugned order by filing W.P.(S) No. 5543 of 2026. The said petition was disposed of vide order dated 24.07.2026, at the instance of the petitioner, with a direction to approach the Transfer Grievance Redressal Committee for consideration of her grievance. In pursuance of the said direction, the petitioner submitted a representation, which was considered by the Committee and rejected vide order dated 19.08.2026, holding that the impugned order did not violate the applicable Transfer Policy.
7. A perusal of the representation submitted before the Committee, placed on record as Annexure P-7, indicates that the petitioner had principally raised two grounds: firstly, the ground relating to her health; and secondly, that the impugned order dated 10.07.2026 had been passed on

the basis of a complaint made against her and certain other employees. The petitioner has, however, sought to raise additional grounds in the present petition, particularly with regard to the alleged fabrication of the document forming the basis of the transfer proposal and the recommendation stated to have been made by the competent authority. These specific grounds were not raised in the earlier round of litigation or in the representation considered by the Committee.

8. It is also pertinent to note that the earlier writ petition was disposed of at the instance of the petitioner, with a direction to avail the remedy of approaching the Committee. The Committee thereafter considered the representation submitted by the petitioner and passed an order thereon. In these circumstances, the mere fact that the petitioner is dissatisfied with the decision of the Committee would not, by itself, furnish a ground for interference in the present proceedings. At the same time, the allegations regarding the authenticity of the documents relied upon by the petitioner cannot be treated as established merely because an FIR has been registered; their legal effect would depend upon the material available and the proceedings in which those allegations fall for consideration.
9. The principal question which arises for consideration is whether the impugned order, being an order of repatriation of an employee serving on deputation, warrants interference by this Court in exercise of its writ jurisdiction. The law governing deputation is well settled. An employee serving on deputation does not acquire an indefeasible right to continue in the borrowing department for the entire period of deputation. The

lending department retains the authority to recall its employee, and ordinarily, repatriation to the parent department does not require the assignment of any specific reason, unless the action is shown to be contrary to law or vitiated by a legally sustainable ground for judicial interference.

10. In W.A. No. 206 of 2019, the Division Bench of this Court considered the legal position concerning deputation and repatriation. The Division Bench reiterated that deputation is essentially a temporary arrangement and that a deputationist has no legally enforceable right to insist upon continuation in the borrowing department. It was further observed that the competent authority may repatriate the employee to the parent department and that the employee cannot claim a vested right to continue on deputation. The aforesaid judgment, therefore, lays down the general principle applicable to an order of repatriation. The judgment relied upon by learned counsel for the petitioner, on the other hand, pertains to a matter involving transfer and is distinguishable on facts, inasmuch as the impugned order in the present case is one of repatriation from a deputation post to the petitioner's original place of posting.
11. So far as the petitioner's contention regarding the complaint and the alleged fabrication of the transfer proposal is concerned, the material relied upon by the petitioner raises allegations which are required to be established in accordance with law. The registration of an FIR, by itself, does not conclusively establish that the impugned order was founded upon a fabricated document or that the competent authority acted for an extraneous or punitive purpose. On the material presently placed before

this Court, the petitioner has not established a sufficient legal basis to conclude that the order of repatriation is liable to be set aside solely on account of the allegations so raised.

12. The judgment relied upon by learned counsel for the petitioner in *Somesh Tiwari (Supra)*, has been considered. In the said case, the Hon'ble Supreme Court examined the validity of a transfer order alleged to have been passed on extraneous considerations and held that an order of transfer, ordinarily an administrative order, may be interfered with where mala fides or an abuse of power is established. However, the said judgment is distinguishable on the facts of the present case. The impugned order dated 10.07.2026 is, as borne out from the record, an order discontinuing the petitioner's deputation and repatriating her to her original place of posting. The issue in the present case, therefore, concerns the repatriation of an employee serving on deputation and not an ordinary transfer from one place of posting to another. The principle laid down in *Somesh Tiwari (Supra)* does not dispense with the requirement of establishing the factual foundation for an allegation of mala fides or extraneous considerations. The petitioner's reliance upon the said judgment, by itself, does not establish that the impugned order of repatriation is vitiated by mala fides or that the competent authority has acted without jurisdiction. Accordingly, in the facts and circumstances of the present case, the judgment relied upon by the petitioner does not advance her case so as to warrant interference with the impugned order.
13. Having regard to the nature of the impugned order, the legal position

governing deputation and repatriation, and the facts and circumstances brought on record, this Court finds no sufficient ground warranting interference with the order dated 10.07.2026 or the consequential order dated 19.08.2026 passed by the Committee.

14. Accordingly, the writ petition is dismissed at the motion stage itself.

SD/-
(Bibhu Datta Guru)
JUDGE

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