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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) NO. 4395 / 2013

Single Bench

PETITIONER

Ku. L. Khalkho D/o. Late Fransis Khalkho, aged about 59 years, Presently working as Principal, Navin Govt. Girls Higher Secondary School, Raigarh, Distt. Raigarh (C.G.)

R No. W.P.(S) 4395/13
Presented by Shri. A.N. Pandey
Dated 18/12/13

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through - The Secretary, Department of, School Education, Mahanadi Bhawan, New Raipur, Distt. Raipur (C.G.)
2. Collector, Raigarh, Distt. Raigarh (C.G.)
3. District Education Officer, Raigarh, Distt. Raigarh (C.G.)
4. Smt. Ranjana Rai, W/o. Shri Pankaj Rai, currently posted on the post of Principal, New Govt. Girls Hr. Sec. School, Raigarh, P.S., Tahsil & Distt. Raigarh (C.G.)



WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER.

As mentioned in the cause title.

2. PARTICULARS OF THE RESPONDENTS.

As mentioned in the cause title.

**HIGH COURT OF CHHATTISGARH : BILASPUR****W.P. (S) No.4395 of 2013****PETITIONER**Ku. L. Khalkho
Versus**RESPONDENTS**

State of Chhattisgarh & others

Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

Present :- Shri A.N. Pandey, counsel for the petitioner.
Shri P.K. Bhaduri, Panel Lawyer for the State.

ORAL ORDER(Passed on this 1st day of January, 2014)

Heard learned counsel for the parties.

1. The petitioner has preferred this writ petition seeking quashment of the order dated 09.12.2013 (Annexure P-1), whereby the State government has decided the representation preferred by respondent No.4 namely Smt. Ranjana Rai, pursuant to the direction issued by this Court vide order dated 21.10.2013 passed in W.P. (S) No.3346/2013.
2. As a result of the said decision, the earlier transfer of respondent No.4 from Navin Girls Higher Secondary School Raigarh to Government Higher Secondary School, Gorra, Block Pussore, District Raigarh vide order dated 27.09.2013 (Annexure P-4) has been cancelled and the petitioner has now been placed at the option of District Education Officer, Raigarh.
3. Learned counsel for the petitioner would submit that the representation has been decided without giving opportunity of hearing to the petitioner.
4. Learned State counsel would submit that the papers annexed with



the writ petition would reflect that the places from where the petitioner and respondent No.4 have been transferred at different point of time within last one and half year is within the radius of 25km from Raigarh district, therefore, there is no such inconvenience which would uproot the petitioner's family or her efficiency.

5. It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employee may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See *E.P. Royappa v. State of Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & Others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others*⁵ and *Airports Authority of India v. Rajeev Ratan Pandey & Others*⁶).

6. Accordingly the writ petition being bereft of merit is liable to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

1 1974 (4) SCC 3
2 (1991) Supp 2 SCC 659
3 (1995) 3 SCC 270
4 (2007) 8 SCC 150
5 (2007) 8 SCC 212
6 (2009) 8 SCC 337

Ashu