

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 207 of 2015**

J.L.Jagat S/o Pusau Ram Jagat, Aged about 48 years, Occupation-Service, Posted as Principal at Government Higher Secondary School, Bhilai Bazaar, Block Katghora, Revenue & Civil District Korba (C.G.) R/o Village & Post Bhilai Bazaar, P.S. Kusmunda (wrongly mentioned as Katghora in the cause title of the impugned order), Tehsil Katghora, Revenue & Civil District Korba, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh, through Secretary, Department of Scheduled Caste and Scheduled Tribe Development, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Revenue & Civil District Raipur Chhattisgarh.
2. Additional Secretary, Govt. of Chhattisgarh, Department of Scheduled Caste and Scheduled Tribe Development, Mahanadi Bhawn, Naya Raipur, P.S. Rakhi, Revenue & Civil District Raipur Chhattisgarh.
3. Collector, (Tribal Development, Korba) Revenue & Civil District, Korba Chhattisgarh.
4. Principal, Govt. High School Lad, Block-Podi Uroda, Revenue & Civil District Korba Chhattisgarh.
5. G.P.Jatwar, Principal, Govt. High School Madwadhodha, Block Katghora, P.S. & Tehsil Katghora, Revenue & Civil District Korba Chhattisgarh.

---- Respondents

For Appellant	:	Shri Surfaraz Khan, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondent No. 5	:	Shri Lalit Jangde, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment On Board****Per Navin Sinha, Chief Justice****15/04/2015**

1. The present appeal arises from order dated 23.2.2015 dismissing Writ Petition (S) No. 4594 of 2014. The Learned Single Judge declined to interfere with the order dated 24.7.2014 transferring the Appellant from Bhilai-Bazar,

Block Katghora, District Korba to Lad, Block Podi-Uroda, District Korba.

2. Learned Counsel for the Appellant submits that the order dated 24.7.2014 manifestly is not an order for transfer evident from the nature of the language used. It has been issued malafide to accommodate Respondent No.

5. The Collector had no jurisdiction to transfer the Appellant who was an employee of the Tribal Welfare Department which alone could issue orders for his transfer.

3. Learned Counsel for the State invited our attention to the counter-affidavit filed to the writ petition that there was a vacancy of Principal in the Government High School, Lad and that the Appellant had been transferred in the exigency of service. He further submits that there had been certain complaints against the functioning of the Appellant at Bhilai-Bazar.

4. Transfer is a normal incidence of service and the authorities, in our opinion, are more competent and better suited to decide where a particular person is to be posted as Principal for running the school. The allegation that it has been done to favour Respondent No. 5 does not appeal to us in view of the admitted fact that the Appellant has remained at Bhilai-bazar beyond the normal tenure which makes a person amenable to transfer.

5. Rather than to interfere with the order for transfer on the ground that the Collector had no jurisdiction to do so, keeping in mind that it has been raised for the first time in the appeal and was not urged before the Learned Single Judge, we direct that the order dated 24.7.2014 be placed before the competent authority of the Tribal Welfare Department for final orders.

6. The appeal is disposed with that observation.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P.Sam Koshy)
JUDGE