

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1247 of 2015

- Jagdish Prasad Sahu S/o Shri Milau Ram Sahu aged About 57 years Upper Division Teacher Presently Working At Govt. Middle School, Shankar Nagar, Block Bilha, P.S. Tarbahar, District Bilaspur, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Raipur, (C.G.)
2. Chief Executive Officer, Jila Panchayat, District Bilaspur, (C.G.)
3. District Education Officer District- Bilaspur, (C.G.)
4. The Principal Govt. Higher Secondary School Shankarnagar, Block Bilha, District Bilaspur, (C.G.)

---- Respondents

For Petitioner	: Shri Anil Mourya, Advocate
For Respondent/State	: Shri Y.S. Thakur, Dy. Advocate General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/04/2015

1. The petitioner is working as Upper Division Teacher. At the time of posting of the teachers in different schools under the rationalization policy the petitioner has been transferred from Govt. Middle School, Shankar Nagar, Bilaspur to Mohbhattha.
2. The petitioner had earlier preferred writ petition which was disposed of by order dated 01/09/2014 with an observation that transfer/posting of an employee is an incidence of service, therefore, the Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations, however, since the petitioner was agitating violation of the

policy/guidelines he was allowed to make representation. By order Annexure P/2 the representation preferred by the petitioner has been dismissed.

3. According to learned counsel for the petitioner the impugned transfer order being illegal, arbitrary and contrary to the rationalization policy deserves to be quashed.

4. In the earlier order passed with respect to the petitioner, this Court has referred various decisions of the Supreme Court to reiterate the limitation in exercise of power under Article 226 of the Constitution of India in the matters concerning transfer/posting of an employee. Petitioner has not attributed malice in law or in fact or violation of any statutory provision while making the transfer.

5. In absence of any violation of any statutory provision or malafide exercise of power and for the reason that the transfer order has been issued under the rationalization policy for proper distribution of teachers uniformly in all the schools and to fill up the posts of teachers in deficient schools, this Court does not find any substance in these writ petitions.

6. Accordingly, the writ petition is liable to be and is hereby dismissed.

J U D G E