

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1267 of 2015

- Surya Kant Sharma S/O Shri G.P. Sharma Aged About 49 years Presently Posted As Upper Division Teacher (Arts) At Government Middle School Torwa, District Bilaspur R/O Kargil Chowk Kasturba Nagar, Bilaspur P.S. Civil Line District Bilaspur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, Naya Raipur Raipur (C.G.)
2. The Collector Bilaspur District Bilaspur (C.G.)
3. The Chief Executive Officer Jila Panchayat Bilaspur District Bilaspur (C.G.)
4. The District Education Officer Bilaspur District Bilaspur (C.G.)
5. Smt. Sunita Anand Presently Posted As Upper Division Teacher At Government Middle School Torwa, District Bilaspur (C.G.)

---- Respondents

For Petitioner	Shri Mateen Siddiqui, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/04/2015

1. Petitioner is assailing the impugned order Annexure P/1 by which his representation to challenge the transfer order dated 13/8/2014 has been dismissed.
2. While disposing petitioner's earlier writ petition bearing W.P.(S) No. 4562/14 this Court while refusing to entertain the writ petition on merits, directed the petitioner to submit a representation.
3. It has been urged that person junior to the petitioner has been retained in the same school whereas the petitioner has been shifted to a far away place.
4. Petitioner has been transferred from Torwa to Hardikala which is hardly at a distance of about 13 Km. But for some personal inconvenience, the petitioner has not

been able to make out any case of violation of any statutory provision or malafide exercise of power, therefore, in view of the law laid-down by the Supreme Court in the matters of (*E.P. Royappa v. State of and another* (1974) 4 SCC 3, *Shilpi Bose (Mrs.) and others v. State of & another* (1991) Supp 2 SCC 659, *State of and another v. S.S. Kourv and others* (1995) 3 SCC 270, *Mohd. Masood Ahmad v. State of U.P. & Others* (2007) 8 SCC 150, *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others* (2007) 8 SCC 212 and *Airports Authority of India v. Rajeev Ratan Pandey & Others* (2009) 8 SCC 337), no ground for interference with the impugned order is made out.

5. Learned counsel for the petitioner would submit that the representation has been decided by the Chief Executive Officer of Zila Panchayat whereas the transfer order was passed by D.E.O., therefore, the Zila Panchayat is not the competent authority to decide the representation. He further submits that the impugned order has not dealt with the grounds raised in the representation.

6. The transfer order was issued by D.E.O. under approval from the Collector. The impugned order has also been issued by the Chief Executive Officer, Zila Panchayat under approval from the Collector, therefore, both the orders have the prior approval and sanction of the Collector. Mere change of the issuing authority would not render the order without jurisdiction. Even otherwise the transfer policy does not specifically figure out the authority who will decide the representation nor the order passed by this Court mentioned that the representation shall be decided by any particular authority. Since both the orders have been issued under approval from the Collector, the argument raised in this aspect has no substance.

7. No interference with the impugned order is called for.

8. The writ petition is dismissed.

JUDGE