

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 279 of 2015**

Bhogchandra Tamrakar S/o Shri Lokman Prasad Tamrakar Aged About 59 years presently posted as Upper Division Teacher (Arts) at Government Middle School Balak Khaparganj Distirct Bilaspur R/o Jabadapara, Bilaspur P.S. Sarkanda District Bilaspur Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh through the Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh
2. The Collector, Bilaspur, District Bilaspur (Chhattisgarh)
3. The Chief Executive Officer, Jila Panchayat Bilaspur, District Bilaspur (Chhattisgarh)
4. The District Education Officer, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

For Appellant	:	Shri Mateen Siddique, Advocate.
For Respondent/ State	:	Shri U.N.S. Deo, Government Advocate.

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Judgment On Board**Per NAVIN SINHA, C.J.****14/5/2015**

1. The present appeal arises from order dated 10.4.2015 dismissing Writ Petition (S) No. 1270 of 2015 declining to interfere with the order dated 10.3.2015 rejecting the Petitioner's representation against his transfer order.

2. Learned Counsel for the Appellant submits that he is a Government Teacher and not a Panchayat Teacher. Orders for his transfer could have

been issued by the District Education Officer and not the Chief Executive Officer (hereinafter referred to as 'the CEO') of the Zila Panchayat, Bilaspur. Even if the transfer is necessitated on account of rationalization policy, the CEO of the Zila Panchayat is not competent to decide on availability and need of teachers in a Government School. It is however fairly acknowledged that any orders of rationalization either by the District Education Officer or the CEO of the Zila Panchayat requires concurrence/ ratification by the District Magistrate which has been granted in case of the Appellant.

3. Learned Counsel for the State submits that if the order for transfer has been approved in pursuance of the policy for rationalization by the superior authority, the District Magistrate, no prejudice has been caused to the Appellant.

4. We have considered the submissions on behalf of the parties.

5. Earlier in Writ Petition (S) No. 4564 of 2014 the Court on 3.9.2014 declined to interfere with the order for transfer and permitted the Appellant to represent which has also been considered and rejected. Transfer and posting of teachers under the rationalization policy are primarily aimed at ensuring equitable distribution and availability of teachers in schools which is a purely administrative function for which the Government Authorities are better suited and it is not for the Court to perform or take over the role of the Executive. The Learned Single Judge has adequately noticed that there are no allegations of mala fides or violation of statutory provisions. The Appellant does not allege any loss of status, pay or rank.

6. The limited grievance is that the CEO of the Zila Panchayat was not competent to decide on the need for teachers in Government Schools. That is an aspect which has already been considered by the Collector while approving the transfer of the Appellant when he approved the same.

Being a purely administrative matter issues remain in the domain of the Collector.

7. With the aforesaid observation, the appeal is dismissed.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE