

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 1785 of 2015

Smt. Jasmine Raj Singh S/o Shri R.A. Tiwari Aged About 44 years R/O
Qr. No. 1B04, Rampur Colony, Baikunthpur, Post And PS Baikunthpur
District Korea (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, New Mantralaya, New Raipur (Chhattisgarh)
2. District Education Officer, Balodabazar- Bhatapara (Chhattisgarh)
3. H.S. Bedi Block Education Officer Block Balodabazar- Bhatapara (Chhattisgarh)
4. Principal Government Higher Secondary School, Tarenga Block Bhatapara District Bhatapara- Baloda Bazar (Chhattisgarh)

---- Respondents

For Petitioner	Shri Varun Sharma, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/05/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. This writ petition is preferred against the transfer order dated 16.03.2015, relieving order dated 17.03.2015 and the order dated 02.05.2015, whereby the Committee of Senior Secretaries have recommended to the State Government for rejection of the petitioner's

representation against the transfer order.

3. By order dated 16.03.2015, the petitioner, who is working as Principal, Government Middle School, Tarenga, Bhatapara, has been transferred to Bemetara at the option of District Education Officer.
4. The petitioner had earlier preferred writ petition being W.P. (S) No.932/2015, which was permitted to be withdrawn with liberty to submit representation before the competent authority.
5. The Committee of Senior Secretaries have considered the representation preferred by the petitioner and vide its recommendation dated 02.05.2015, has observed that since there are complaints against the petitioner and the provisions of transfer policy have not been violated, therefore, transfer order does not deserve to be cancelled.
6. Learned counsel for the petitioner would submit that the observations made in para 6 of the representation is stigmatic inasmuch as, it has been observed that there are serious complaints against the petitioner, which have been found to be true, however, before reaching to this conclusion, the Committee has not heard the petitioner.
7. In the opinion of this Court, observation made by the Committee is only to assess the existence of administrative exigency to transfer the petitioner from the present place of posting to District Bemetara at the option of District Education Officer. Nothing more can be read or inferred from the said observation. It does not amount to stigma, therefore, while deciding the representation, the Committee was not bound to hear the petitioner as the Committee was not dealing with

any of the statutory rights of the petitioner nor the recommendation adversely affects any of her service condition.

8. In view of the limited jurisdiction of this Court under Article 226 of the Constitution of India in the matters concerning challenge to the transfer order, as held by the Supreme Court in *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, this Court does not find any ground for interference.

9. Accordingly, the writ petition is dismissed.

JUDGE

Nirala

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