

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2163 of 2015**

- Smt. Sahodri Dhruv, aged about 34 years W/o Shri Shyamlal Dhruv, R/o Sahayak Sikshak Panchayat, Government Primary School, Baldakachhar, Block Kasdol, Revenue and Civil District -Baloda Bazar- Bhatapara (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh. Through: under secretary Department of Education, Raipur (C.G.)
2. Chief Executive Officer, Block Kasdol District Baloda Bazar- Bhatapara (C.G.)

---- Respondents

For Petitioner	:	Ms. Sarina Khan, Advocate
For Respondents/State	:	Shri YS Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/06/2015**

1. Petitioner has preferred this writ petition seeking a direction to respondent No.2 to relieve the petitioner as per the order dated 5-7-2014, passed by the Chhattisgarh State Schedule Tribe Commission (for short 'the Commission'), recommending petitioner's transfer from block Kasdol, district Baloda-Bazar to block Pamgarh, district Janjgir-Champa.
2. Having heard learned counsel for the petitioner, this Court is of the considered opinion that such writ petition for issuance of direction to the employer to transfer the petitioner from one place to another is not maintainable. Transfer and posting of an employee is purely administrative

exercise to be undertaken by the employer depending upon various factors. It is in the exclusive domain of the employer to pass orders in this regard and the Commission has no jurisdiction either to direct or recommend the employer to accommodate an employee at one place or the other. The petitioner does not have any enforceable right to maintain this petition under Article 226 of the Constitution of India, because such jurisdiction is exercised to enforce any statutory or fundamental right of an individual and not for directing the State Government to post an employee at a particular place.

3. In view of the fact that the petitioner has no right to claim posting at a particular place, this writ petition under Article 226 of the Constitution of India is not maintainable. It is accordingly dismissed as not maintainable.

Sd/-

Prashant Kumar Mishra

JUDGE

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