

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2324 of 2015

- Manish Kumar Madhwan S/o Shri K. Madhwan, Aged About 36 years
R/O House No. 356/06, Street 3-G, Pragati Nagar, Risali, Bhilai, Tahsil
Durg, Thana Newai, Civil & Revenue District Durg, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education
Department, Mahanadi Bhawan, New Raipur, (C.G.)
2. Chief Executive Officer, Jila Panchayat, Balod, Distt. Durg, (C.G.)
3. District Education Officer, Balod, Distt. Durg (C.G.)
4. Smt. Vandana Tiwari W/O Vinod Tiwari, Shiksha Karmi Grade-I At
Govt. Higher Secondary School, Rahud, R/O Village Padmanabhpur,
Distt. Durg (C.G.)

---- Respondents

For Petitioner	:	Shri Rishi Rahul Soni, Advocate appearing on behalf of Shri Anshul R. Shrivastava, Advocate
For Respondent/State	:	Shri Y.S. Thakur, Dy. Advocate General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/07/2015

1. Petitioner is aggrieved by the order Annexure P/7, whereby CEO Zila Panchayat, Balod has transferred the petitioner from Govt. Higher Secondary School, Rahud to Govt. Higher Secondary School, Barbaspur, Block Gunderdehi, District Balod.
2. Learned counsel for the petitioner would argue that an enquiry was conducted against the petitioner wherein he was not provided any opportunity of hearing and even in the said enquiry nothing incriminating was found against the petitioner and yet he has been transferred.
3. This Court has gone through the papers pertaining to enquiry filed

along with writ petition. Having perused the papers, without elaborating as to the nature of allegation, suffice it would be to state that in the obtaining facts and circumstances of the case, the Zila Panchayat has not committed any illegality in transferring the petitioner from the present place of posting to a different school.

4. It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employee may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See *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).

5. In view of the above, the writ petition is liable to be and is hereby dismissed at the motion stage itself.

Sd/
JUDGE

(Prashant Kumar Mishra)