

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2504 of 2015**

- Dr. (Smt.) Manjulata Verma W/o Dr. Avinash Thawait Aged About 30 years Presently Posted And Working As Medical Officer, Primary Health Centre, Dagori, Block Bilha, District Bilaspur (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Health & Family Welfare, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Under Secretary, Department of Health & Family Welfare, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh).
3. Director, Directorate Of Health Services, Chhattisgarh, Raipur (Chhattisgarh).
4. Chief Medical & Health Officer, Bilaspur (Chhattisgarh).
5. Block Medical Officer, Bilha, Dist. Bilaspur (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Madhunisha Singh, Advocate
For Respondent-State	:	Shri YS Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/07/2015**

1. Challenge in this petition is to the order dated 25-5-2015, by which the petitioner, who is working as Medical Officer, has been transferred from Primary Health Centre, Dagori, Block Bilha to Primary Health Centre High Court Residential Premises, Bilaspur.

2. Learned counsel for the petitioner would submit that before passing the impugned transfer order in the month of March, 2015, consent of the petitioner was asked with regard to her posting at PHC, High Court Residential Premises, Bilaspur, on which the petitioner requested the authorities to permit her to render services at PHC, Dagori, as she is having a child aged about one year; she is residing with her in-laws; her husband is doing P.G. Course at Raipur, however, inspite of the aforesaid request made by the petitioner, she has been transferred by the impugned order. According to the petitioner at PHC, Dagori, the petitioner is the only lady doctor, therefore, if the petitioner is transferred then public will suffer as nobody has been posted in place of the petitioner.

3. Be that as it may, 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 employees 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 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*

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

*Pandey & others*⁶).

4. The petitioner has not made out a case of *mala fide* exercise of powers or violation of any statutory provision, while passing the impugned order, therefore, no case for interference is made out.
5. Accordingly the writ petition, being devoid of substance, it deserves to be, and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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⁶ (2009) 8 SCC 337