

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No.4688 of 2015**

Dhananjay Jha, aged about 51 years, S/o Shri Dayanand Jha, R/o Shakti Nagar, H.No.100 G.E. Road, Rajnandgaon (CG) **---- Petitioner**

**Versus**

1. State of Chhattisgarh, through its Secretary, School Education Department, Mantralaya, District Raipur.
2. The Collector, Rajnandgaon.
3. District Education Officer, Rajnandgaon. **--- Respondents**

For Petitioner : Shri Parag Kotecha, Advocate  
 For Respondents : Shri Varun Sharma, Panel Lawyer

**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order On Board**

**09/12/2015**

**(1)** Heard.

**(2)** By the impugned order dated 26.10.2015 passed by the Collector, the petitioner has been transferred from Middle School, State School to Middle School Gadaghat/Khairagarh.

**(3)** The petitioner filed W.P.(S) No.3966/2015 before this Court which was disposed of directing to the petitioner to prefer a representation before the respondent No.2-Collector, Rajnandgaon by order dated 03.11.2015. The said representation has been rejected after approval of respondent No.2-Collector, Rajnandgaon by the respondent No.3-District Education Officer, Rajnandgaon vide order dated 01.12.2015. Against which, this

petition has been filed by the petitioner.

(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 Tamil Nadu and another*<sup>1</sup>, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*<sup>2</sup>, *State of M.P. and another v. S.S. Kourv and others*<sup>3</sup>, *Mohd. Masood Ahmad v. State of U.P. & Others*<sup>4</sup>, *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others*<sup>5</sup>, and *Airports Authority of India v. Rajeev Ratan Pandey & others*<sup>6</sup>).

(5) In view of the above, this Court is not inclined to interfere with the impugned transfer order as well as the order rejecting representation. The writ petition being devoid of any merit deserves to be and is hereby dismissed.

Sd/-  
(Sanjay K. Agrawal)  
Judge

L/-

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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