

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4879 OF 2015**

Mahendra Sahu S/o Shri Sitaram Sahu aged about 27 years R/o
Hasuva Block Kasdol Tahsil and P.S. Gidhauri District Baloda-
Bazar Bhatapara (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through the Secretary Department of
Panchayat and Rural Development Mahanadi Bhawan
Mantralaya New Raipur Raipur (CG)
2. The Jila Panchayat Baloda-Bazar Bhatapara through the Chief
Executive Officer Baloda Bazar District Baloda-Bazar
Bhatapara (CG)
3. The Block Education Officer Kasdol District Baloda-Bazar
Bhatapara (CG)
4. Government Primary School Navin Amlidih Block Kasdol
through the Head Master District Baloda-Bazar Bhatapara (CG)
5. Dikeshwari Sahu Shiksha Karmi Grade-III Government Primary
School Navin Amlidih Block Kasdol District Baloda-Bazar
Bhatapara (CG)

----Respondents

For Petitioner	: Mr. Prateek Sharma, Advocate
For Respondent/State	: Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/12/2015**

1. The petitioner was working as Assistant Teacher
(Panchayat) and by order dated 08/09/2015, he was transferred

from Government Primary School Amlidih, Block Kasdol to Government Primary School Sitapar, Block Simga. Earlier, the petitioner filed writ petition being Writ Petition (S) No.3477 of 2015 against the order of transfer, which was disposed of by this Court on 23/09/2015 directing competent authority to decide the petitioner's representation. By order dated 03/12/2015, petitioner's representation has been rejected by the competent authority. Again, challenging the order of transfer, instant writ petition has been preferred by the petitioner.

2. 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*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 &*

¹ 1974 (4) SCC 3

² (1991) Supp. 2 SCC 659

³ (1995) 3 SCC 270

⁴ (2007) 8 SCC 150

*Others v. G. Ratnam & Others*⁵, and *Airports Authority of India v. Rajeev Ratan Pandey & Others*⁶).

3. 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

Tiwari

5 (2007) 8 SCC 212

6 (2009) 8 SCC 337