

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3703 of 2015**

- Budhram Khatkar S/o Shri Parasram Khatkar, Aged About 48 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Badhra, Block Kasdole, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through, Secretary Panchayat Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Baloda Bazar Bhatapara, Chhattisgarh.
3. Block Education Officer, Kasdole, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri CJK Rao, Advocate
For Respondents-State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/10/2015**

1. The petitioner is aggrieved by the order dated 08-09-2015, whereby the petitioner, who is working as Assistant Teacher (Panchayat) has been posted, due to implementation of rationalization scheme, from Government Primary School, Badhra, Block Kasdole to Government Primary School, Sahupara, Koliha, Block Simga.
2. When the Government undertakes rationalization of employees and in that course it passes orders of posting, the said rationalization includes posting as well as transfer, because in a scheme of rationalization various aspects like need of the person, availability of work, suitability of the person in a

particular posting etc. is taken care of. In that sense posting/rationalization is not by itself a transfer, but it includes an element of transfer also. The ordinary tenets of transfer appears to be included in rationalization, but the same is not only a transfer but is a posting depending upon various factors. It is not in the domain of the writ Court to decide or to embark upon judicial review to assess the legality of the exercises undertaken by the Government keeping in view its own administrative interest and the aspiration of the local populace.

3. The petitioner has not placed before this Court any such facts by which it can be demonstrated that subject rationalization is in violation of any statutory provisions or is otherwise *mala fide* in nature.
4. For the foregoing, this Court does not deem it appropriate to interfere with the impugned order, however, this would not preclude the petitioner from preferring representation raising grounds of personal inconvenience in complying the order. If such representation is filed, the same shall be disposed of at the earliest, preferably within a period of six weeks from the date of submission of representation.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

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