

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2377 of 2015

1. Smt. Sushma Chelak W/o Mahendra Kumar Singh Ratre Aged About 31 years Presently Posted As Inspector At Police Station Gharghoda, District Raigarh R/o Police Line Gharghoda, PS Gharghoda, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Director General Of Police Chhattisgarh Police Head Quarter Raipur District Raipur Chhattisgarh
3. The Inspector General Of Police, Bilaspur Range Bilaspur, District Bilaspur Chhattisgarh
4. Superintendent Of Police, Raigarh, District Raigarh Chhattisgarh
5. D.L. Mishra, Presently Posted As Station House Officer, At Police Station Gharghoda, District Raigarh Chhattisgarh

---- Respondent

For Petitioner	Shri Mateen Siddqui, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/07/2015

Heard learned counsel for the parties.

1. Petitioner, who is presently working as Station House Officer, Police Station Gharghoda, District Raigarh, is challenging the posting order issued by the Superintendent of Police, Raigarh, shifting her from Gharghoda to Police Line, Raigarh.

2. In view of the submission made by Shri Siddiqui, learned counsel for the petitioner that the petitioner being the Station House Officer is protected under Section 14 (1) of the Chhattisgarh Police Act, she cannot be transferred unless she has completed two years tenure as the Station House Officer of a Police Station and the petitioner will complete the period of two years in the month of October, 2015, this Court had directed learned counsel for the State to seek instructions in the matter.
3. Shri Bhaduri, learned Govt. Advocate would produce before this Court a copy of communication sent to him by the Superintendent of Police, Raigarh, to demonstrate that there exists grounds for shifting the petitioner from Gharghoda to Raigarh on administrative exigency.
4. Having seen the papers, this Court is satisfied that there are materials available to constitute administrative exigency over which this Court cannot sit as an appellate court to substitute the satisfaction of the authority vis-a-vis existence of administrative exigency.
5. For the foregoing, this Court does not find any ground to interfere in the matter. Accordingly, the writ petition is dismissed. However, the petitioner would be at liberty to represent the matter before the Superintendent of police, Raigarh, which may be considered and decided by the said authority in accordance with law and on its own merits.

Sd/-

Judge

Prashant Kumar Mishra

Gowri