

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3621 of 2015

- Rajesh Kumar Sahu S/o Shri Dhanush Dhari Prasad Sahu, Aged About 33 Years Occupation Service, Posted As Training Officer, Language English & Communication Skill At Industrial Training Institute Mana Camp Raipur, R/o Sector 3, Block 23, House No. 40 Kashiram Nagar Raipur, P. S. Telibandha, Civil & Revenue Distt. Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Technical Education, Man Power, Science And Technology Department Mantralaya Mahanadi Bhawan, Capital Complex New Raipur, Distt. Raipur (Chhattisgarh)
2. Director, Technical Education, Man Power Science And Technology Department Raipur, Distt. Raipur (Chhattisgarh)
3. The Joint Director Employment And Training Raipur, Distt. Raipur (Chhattisgarh)

---- Respondents

For Petitioner	Shri Sunil Sahu, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

07/10/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. By the order dated 10.07.2014, the petitioner, who is working as Training Officer, Language English and Communication Skill at Industrial Training Institute (for short 'I.T.I.'), Mana-Camp, District Raipur, has been transferred in the same capacity to I.T.I., Surajpur on administrative ground.
3. In petitioner's earlier writ petition bearing WPS No.3275/2014, this Court refused to interfere, however, liberty was reserved in favour of the petitioner

to move representation before the Committee of Senior Secretaries, to be decided by the said Committee within 4 weeks.

4. The Committee of Senior Secretaries found that there is no violation of any provision of the guideline, however, the petitioner being handicapped, the Committee recommended to consider his representation sympathetically.
5. By the impugned order, the State Government has rejected the representation. It is argued that the petitioner being a handicapped employee and his wife being posted at Raipur, the transfer order is in violation of the State Government's circular dated 30.08.2010 and para 2.11 of the Transfer Policy.
6. It is settled law that the Transfer Policy is only a guideline and is not enforceable. The Committee has found that Clause 2.11 has not been violated. Similarly, the guideline also provides that insofar as possible, the handicapped employee be posted at his birth place or the native district. It lies in the wisdom of the Government to examine under its own administrative exigency and consider the representation. Once upon consideration of the representation, the State Government has refused to recall its earlier order and there is no violation of any statutory provisions or existence of proved malafide, this Court in exercise of powers under Article 226 of the Constitution of India is not entitled to interfere with the transfer order.
7. Accordingly, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA