

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 140 of 2016**

- Srikant Dixit, S/o Late Shri Laxmi Shankar Dixit, aged about 55 years, Upper Divisional Teacher, Government Pre Middle School, Joratarai, Rajnandgaon, District Rajnandgaon (C.G.)

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through: The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
2. Commissioner, Revenue Division, Durg, District Durg (C.G.)
3. Collector, Rajnandgaon, District Rajnandgaon (C.G.)
4. District Education Officer, Rajnandgaon, District Rajnandgaon (C.G.)

**---- Respondents**


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For Petitioner : Shri Anup Majumdar, Advocate.

For Respondents : Shri Dhiraj Kumar Wankhede, Govt. Advocate.

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****15/01/2016**

(1) The Petitioner is working as Assistant Teacher and he was subjected to transfer by order dated 24.08.2015 from Govt. Primary School, Bori, Block Rajnandgaon to Govt. Middle School, Joratarie, Block Rajnandgaon.

(2) Against the above-stated order, petitioner preferred W.P. (S) No.4088/2015 before this Court. This Court, vide order dated 06.11.2015, directed the petitioner to submit his representation before the Commissioner, Revenue Division, Durg and further directed the Commissioner, Revenue Division, Durg to consider and take decision on the petitioner's representation within reasonable time.

(3) The Commissioner, Revenue Division, Durg, by its order dated 17.12.2015 (Annexure P-1) dismissed the representation holding that keeping in view of the public interest and shortage of teachers, the petitioner has been transferred to Govt. Middle School, Joratarie, Block Rajnandgaon, which does not call for any interference.

(4) Mr. Anup Majumdar, learned counsel appearing for the petitioner would submit that order passed by respondent No.2/Commissioner, Revenue Division, Durg rejecting petitioner's representation is not in accordance law, which deserves to be quashed.

(5) I have heard learned counsel appearing for the parties and perused the record with utmost circumspection.

(6) 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 employees 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>).

(7) Fact remains that grievance of the petitioner was considered by the Commissioner, Revenue Division Durg finding that keeping in view the public interest, administrative exigency and shortage of teachers, the petitioner has been transferred to Govt. Middle School, Joratarie, Block Rajnandgaon, which does not call for any

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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

interference by this Court under Article 226 of the Constitution of India.

(8) In view of above, writ petition fails and is hereby dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)  
Judge

D/-