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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3473 OF 2016**

Nihali Prasad Kurrey S/o Gofe Lal Kurrey, Aged About 48 Years Working as Block Education Officer, at Block Pallari, Distt. Baloda Bazar Bhatapara, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. The Director, Public Instructions, Chhattisgarh, H.Q. Indrawati Bhawan, Naya Raipur, (Chhattisgarh)
3. District Education Officer, District Baloda Bazar, Distt. Baloda Bazar Bhatapara, (Chhattisgarh)
4. Shri Venkat Raman Pratap, Principal, Govt. High School, Katnai, Akaltara, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Rajesh Kumar Kesharwani, Advocate
For Respondents-State	:	Mr. Dilmanrati Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****08/08/2016**

Heard on admission.

1. The petitioner has challenged the transfer order dated 30/07/2016 whereby he has been transferred from the post of Block Education Officer, Baloda Bazar to the option of District Education Officer, Baloda Bazar, which is not permissible under the law.
2. Learned counsel for the petitioner submits that the District Education Officer is Class-I Gazetted Officer but power of posting has not been delegated to him by any administrative order of the State Government,

therefore, the State Government has directly issued a transfer order. The next submission is that the petitioner has been transferred and in his place another principal who is junior to him has been given charge of the office of the Block Education Officer, which is illegal and contrary to law.

3. By the impugned order, the petitioner has been transferred from the post of Block Education Officer to the option of District Education Officer. An order of transfer does not visit any civil consequence, petitioner is neither reduced in rank nor any terms and conditions of service have been adversely affected.

4. The power of transfer, in the absence of there being any law regulating the same, is exercisable by the employer. The employer can always delegate power of transfer to any other authority either by way of general order or by way of any particular order with specific direction.

5. Learned counsel for the petitioner could not point out that in the matter of exercise of power of transfer, there is any statutory rule holding the field. Therefore, in administrative arena, it is the State Government who, in the capacity of employer, could transfer the employee anywhere. This has actually been done by the State Government by issuance of an impugned order and in administrative arrangement, petitioner has been transferred in the particular district with a direction to District Education Officer to place the petitioner at a particular post within the district. This exercise, in substance, amounts to delegation of limited power for grant of posting within the particular area, by the State Government to the District Education Officer. There is no reason to hold that such kind of delegation in particular case would be illegal or impermissible under the law. It is not the case of the petitioner is that in the District Balodabazar Bhatapara, there is not post of Principal available for posting to the petitioner so as to say the petitioner lien

to his substantive post of Principal is either being suspended or terminated. Therefore, the aforesaid ground of challenge is rejected. The petitioner's substantive post is principal and not of the Block Education Officer. If the petitioner has been transferred holding charge of Block Education Officer to another district, the grievance that any officer who is junior to him is sought to be given charge does not hold the ground because the petitioner is not made to work under his junior officer.

6. In view of the above, I do not find any substance in the petition. It is dismissed accordingly.

Sd/-
(Manindra Mohan Shrivastava)
Judge