

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3569 of 2016**

Smt. Sarojani Minj W/o Shri Ambrose Minj, Aged About 46 Years Occupation Service, Working As Supervisor, At Women & Child Akikrit Bal Vikas Pariyojna Kota, Sector : Tenganmada, District Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Women & Child Development Department, Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Under Secretary, State Government Of Chhattisgarh, Women & Child Development Department, Raipur (Chhattisgarh)
3. The Director, Directorate Women And Child Development Department, Raipur (Chhattisgarh)
4. Panch Kunwar Kori, Working As Supervisor, At Women Child Akikrit Bal Vikas Pariyojna Premnagar, Sector : Bakirma, District Sarguja (Chhattisgarh)
5. Manju Chaturvedi, Working As Supervisor, At Women Child Akikrit Bal Vikas Pariyojna Masturi, Sector : Tikari, District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner : Ms. Pritha Ghoshal, Advocate

For Respondent-State : Mr. S.P. Kale, Deputy Advocate General on advance copy

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****17/08/2016**

Heard on admission.

1. The transfer order is under challenge on the ground that it has been issued malafide to accommodate respondent No. 5 in place of the petitioner.
2. Learned counsel for the petitioner submits that earlier the petitioner served in Koriya District for about 12 years, where from she was transferred to Mungeli in the year 2008 and thereafter, in the year 2011, she was transferred

from Mungeli to Kota and by impugned transfer order dated 30/07/2016, she is now again transferred from Kota, District Bilaspur to District Koriya. The other ground of challenge is that petitioner's son is studying in 12th standard and if the petitioner is shifted far away from Bilaspur, study of her son will be adversely affected.

3. It appears from the record that the petitioner remained posted at the present place for last five years and this constitutes exigency that the petitioner has become due for transfer. Transfer of the petitioner has given rise to vacancy to another employee to accommodate, therefore, it cannot be considered that this is a case of malafide exercise of power. There is no policy that once a person is posted in the scheduled area, he can never to be again posted in scheduled area. The last ground of challenge relates to petitioner's personal problem and difficulty, which warrants no indulgence by the writ Court.

4. The petitioner intends to file representation only on personal ground before the competent authority. If she files a representation before the competent authority, the competent authority shall consider and decide her representation within a period of four weeks from the date of filing of the representation.

5. With the aforesaid observation, the petition stands finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge