

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4681 of 2017

- Smt. Kavita Soni W/o Pradeep Kumar Soni, Aged About 42 Years R/o Through Shri J. B. B. K. Rao, Ganga Nagar, Sector-02, Mangla Road, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Registrar General, High Court Of Chhattisgarh At Bilaspur, Chhattisgarh
2. District And Session Judge, Raipur, District Raipur, Chhattisgarh.
3. District And Session Judge, Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh.
4. State Of Chhattisgarh, Through Principal Secretary Department Of Law, Mahanadi Bhavan, Mantralaya, Naya Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri T. K. Jha, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/10/2017

Heard.

1. This petition has been filed by the petitioner seeking direction for consideration of her representation for transfer to parent district i.e. from Baloda Bazar to Raipur. It is found that earlier such application dated 14-08-2014 was rejected by the respondent No.1, which was communicated to the petitioner vide memo dated 03-01-2015.
2. A circular has been issued by the High Court on 07-11-2016 laying down the norms in the matter of consideration of cases of Class III & Class IV employees for inter-district transfer. Clause 4 of the aforesaid circular provides that normally, no application for inter-district transfer shall be entertained before expiry of 10 years. However, an exception has been carved out that where an employee makes out a case of exceptional hardship showing that his/her transfer is necessary and such

relaxation will only be granted by Hon'ble the Chief Justice.

3. Challenge made to circular dated 07-11-2016 stating that it is arbitrary, is not based on any tenable grounds. Transfer of an employee from one establishment to other establishment cannot be claimed as of right. However, the circular permits this course of action to be adopted in exceptional cases, even before expiry of 10 years of posting in the parent establishment. In the absence of there being any ground tenable in law challenging legality and validity of circular, no interference is called for. Other ground is that though the petitioner has moved a representation before the District Judge, Baloda Bazar for transfer to other district on certain hardships, but the said application has not been forwarded by the District Judge to the High Court.

4. To that extent, appropriate direction may be issued in the manner that if the petitioner moves fresh representation before the District Judge, Baloda Bazar, the same shall be forwarded by the respondent No.3 to the respondent No.1-High Court for consideration in accordance with circular dated 07-11-2016.

5. With the aforesaid observation, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge