

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4638 of 2017

Ku. Anuradha Dhruw D/o Shri Vishnu Prasad Dhruw, Aged About 25 Years Presently Posted As Hostel Superintendent, At Pre Metric Baiga Housing Girls Hostel, Jarhabhata, Bilaspur, District Bilaspur, Chhattisgarh. R/o Uslapur, Tahsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Schedule Caste & Schedule Tribe Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Schedule Caste & Schedule Tribe Development Department, Indrawati Bhawan, Naya Raipur, Raipur, Chhattisgarh.
3. Collector, Bilaspur, District Bilaspur, Chhattisgarh.
4. Assistant Commissioner, Tribal Welfare Development Bilaspur, District Bilaspur, Chhattisgarh.
5. Ms. Alpana Tiwari, Presently Posted As Hostel Superintendent, At Pre Metric Tribal Girls Hostel, Gourela, Block Gourela, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/09/2017

Heard.

1. The transfer order is under challenge on the ground that respondent No. 5 has been transferred in place of the petitioner and to accommodate her, the petitioner is being transferred. The other two grounds are that petitioner's father suffers from schizophrenia disease and requires treatment. The petitioner is the only person to look after her father, therefore, her transfer will adversely affect her father's treatment.

2. The transfer of respondent No.5 could not be established to be malafide. Once the petitioner has completed normal tenure of posting, posting of any other person in place of the petitioner on her own request cannot be said to be malafide exercise of power. The other ground raised by the petitioner may be best examined only by the competent authority under the transfer policy dated 11.7.2017 and not the Court.
3. The petitioner has not submitted any representation. Therefore, this petition is finally disposed of with a direction that if the petitioner prefers representation, the same shall be considered and decided by the authority in 4 weeks.

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

Praveen