

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5313 of 2017**

Smt Jayanti Rathore W/o Shri Shiv Kumar Rathore Aged About 30 Years Presently Lectured (Panchayat) At Govt. Higher Secondary School, Jawalpur, Block Baloda, District Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Janjgir- Champa, District Janjgir- Champa, Chhattisgarh.
3. Pragati Rathore Aged About 26 Years Lecturer (Panchayat), Biology, Govt. High School Seoni- Niala, Block Nawagarh, District Janjgir- Champa, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Animesh Verma, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/10/2017**

1. Present petition has been preferred assailing the order (Annexure P/1), whereby the respondent No.3 has been posted at Govt. High School, Kulipota, District Janjgir-Champa (C.G.).
2. The grievance of the petitioner is that he has made repeated representations to the department for considering the posting of the petitioner at the said place, where the respondent No.3 has been posted. He further submits that earlier also the petitioner was transferred, but when she went to join the place of posting, the Principal refused joining on the ground of non-availability of vacant post. He further submits that he had also preferred a writ petition vide WPS No. 3908/2007, which was got disposed of on 22.08.2017 and the only direction by the High Court was to prefer an appeal

against the order of transfer. However, before an appeal could be filed, the respondent had modified the order leaving no scope for the petitioner to prefer an appeal and the petitioner continues at her original place of posting.

3. Be that as it may so far as posting is concerned, the law so far as transfer and posting is concerned under the service jurisprudence it is exclusively within the domain of the employer to decide as to post which person at which place. It is the prerogative of the employer to place each of the employees at the place it thinks fit in the administrative exigency. That if at all the petitioner or any other employee has a grievance so far as the place of posting is concerned, the only remedy available to them is to move an appropriate representation to the employer seeking for redressal of a grievance.
4. So far as the writ jurisdiction in matters pertaining to the transfer and posting is concerned, it is by now well settled wherein it has been established that unless the order of transfer is contrary to the service conditions or has been issued with mala fide intentions, the interference by the High Court in exercise of its power under Article 226 of the Constitution is minimal.
5. In the instant case, no such fact or ground is reflected either holding that the impugned order is bad in law or for that matter the same is contrary to the service conditions. Moreover, the impugned order does not reflect the name of the petitioner at all, so far as the transfer or posting is concerned. The writ petition thus being totally devoid of merit, the same deserves to be and is accordingly dismissed.

6. Needless to mention that our reluctance to entertain the writ petition would not preclude the petitioner from approaching the higher authorities by moving appropriate representation for redressal of her grievance.

Sd/-
(P. Sam Koshy)
Judge

Ved