

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5404 of 2017**

- S. K. Verma (Shiv Kumar Verma) S/o Shri Malik Ram Verma Aged About 52 Years R/o Qu. No. 195/ B Gevra Project Urja Nagar, Korba, District Korba Chhattisgarh.

---- Petitioner**Versus**

1. General Secretary, D. A. V. College Managing Committee
Chitra Gupta Road, New Delhi . (India)
2. Principal D A V Public School S E C L Gervra Project District
Korba Chhattisgarh.
3. Mr. M. Boral (UDC) D A V Public School SECL Bhatgaon
District Surajpur Chhattisgarh.

---- Respondent

For Petitioner
For Respondents

Shri Somkant Verma, Advocate.
None

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****30/10/2017**

1. Petitioner is working as UDC in D.A.V. Public School, SECL, Gevra, District Korba. He has called in question the order of transfer dated 25.09.2017 issued by the D.A.V College Managing Committee, New Delhi, by which the petitioner has been transferred to D.A.V. Public School, Bishrampur, District Surajpur, on the ground of administrative exigency.

2. After placing reliance on various decisions, this Court in **Bhuvneshwari Jaiswal Vs The Director (PS III) D.A.V College Managing Committee** (WPS No. 3592 of 2015) decided on 17.12.2015 held that when an employee has been transferred from one school to another school of D.A.V Society, it is not the case of violation of any statutory right. Merely because D.A.V School performs public duty while being engaged in imparting education to the students, the issue brought before the Court does not become an issue involving public law element. This Court eventually held that in case of transfer of employee, no public law element is involved, therefore, in view of the decisions of the Supreme Court rendered in **K. Krishnamacharyulu And Others Vs Sri Venkateswara Hindu College of Engineering and Another** {(1997) 3 SCC 571} and **Sushmita Basu and others Vs Ballygunge Siksha Samity and others** {(2006) 7 SCC 680} the writ petition is not maintainable.
3. In view of the above, the present case is squarely covered by the decision of this Court rendered in **Bhuvneshwari Jaiswal** (supra).
4. At this juncture, Shri Somkant Verma learned counsel for the petitioner seeks permission of the court to withdraw the writ petition with liberty to agitate the matter before the appropriate forum having jurisdiction in law.
5. Accordingly, the writ petition is dismissed as withdrawn with the aforesaid liberty.

Sd/-

Judge
Prashant Kumar Mishra

Akhilesh/Gowri