

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5504 of 2017**

- Shashikala Lakra W/o Shri Filix Sanjay Lakra Aged About 41 Years Working As Teacher Panchayat At Middle School Ajirma Janpad Panchayat - Surajpur, District Surajpur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: Secretary, Panchayat & Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Surajpur District Surajpur Chhattisgarh.
3. The Collector, Surajpur, District Surajpur Chhattisgarh.
4. Janpad Panchayat , Surajpur Through Its Chief Executive Officer Janpad Panchayat Surajpur District Surajpur Chhattisgarh.
5. Block Education Officer, Surajpur Police Station Surajpur Janpad Panchayat Surajpur District Surajpur Chhattisgarh.

---- Respondent

For Petitioner
For Respondent /State

Mr. AK Yadav, Advocate
Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****23/10/2017**

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is aggrieved by the order – Annexure P/1,

whereby, she has been transferred from Middle School Ajrima to Middle School, Karanji under the same Block on administrative grounds.

(3) It appears that the petitioner is working as Teacher Panchayat in Middle School Ajrima, from where, she has been transferred to Middle School, Karanji, however, the Block remains the same i.e. Surajpur. The impugned order shows that the petitioner along with other Teachers have been adjusted in different Schools under the same Blocks respectively due to paucity of teachers or no teacher in the above Schools and thus, as a matter of fact, it is only the petitioner's place of duty, which has been changed and she has not been sent on transfer that is to say the headquarter/station has not changed.

(5) It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See *E.P. Royappa v. State of Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & others*⁴, *Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others*⁵)

1 1974 (4) SCC 3

2 (1991) Supp 2 SCC 659

3 (1995) 3 SCC 270

4 (2007) 8 SCC 150

5 (2007) 8 SCC 212

and *Airports Authority of India v. Rajeev Ratan Pandey & others*⁶).

(6) The impugned order appears to be administrative in nature, therefore, no case for interference is made out.

(7) Accordingly, the writ petition is dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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6 (2009) 8 SCC 337