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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 106 of 2017**

Prem Kumar Nirmalkar Aged 32 years, S/o Babulal Nirmalkar, working as Data Entry Operator AT O/o B.R.C. Sarv Shiksha Abhiyan, Raigarh, District Raigarh, Chhattisgarh, R/o Dhangardipa, Bawalikuna, Ward No. 02, Radhika Kirana Store, Raigarh, District Raigarh, Chhattisgarh.

**---- Appellant****Versus**

1. State of Chattisgarh, Through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur.
2. The Mission Director, Rajiv Gandhi Shiksha Mission, HQ Pension Bada, Raipur, Chhattisgarh.
3. The Collector and District Mission Director, Rajiv Gandhi Shiksha Mission, District Raigarh, Chhattisgarh.
4. Ku. Anjali Richa Ekka, MIS Co-ordinator, O/o BRC Raigarh, District Raigarh, Chhattisgarh.

**---- Respondents**


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For Appellant : Shri R.K.Kesharwani, Advocate.  
 For Respondent/State : Shri B. Gopa Kumar, Deputy Advocate General.

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**Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**  
**Hon'ble Shri P Sam Koshy, J.**

**Judgment on Board****Per Thottathil B. Radhakrishnan, Chief Justice****03/04/2017**

1. We have heard the learned counsel for the Appellant/Writ Petitioner and the learned Deputy Advocate General.
2. Under challenge is the judgment of the learned Single Judge refusing to interfere with Annexure P/1, transfer order wherein the Appellant is at serial No. 1. It is a comprehensive transfer order dealing with eight persons who are employed on contract basis with the Sarva Shiksha

Abhiyan project of which citizens of District Raigarh are also the beneficiaries.

3. The challenge levied against the transfer is that Annexure P/2 to the writ petition does not contain any clause authorising transfer while it contains a restrictive covenant regarding the enjoyment of allowance by way of travelling allowance or dearness allowance. The learned Single Judge noted that there is no inhibition in Annexure P/2 against the transfers or deployment of the personnel appointed on contract basis to different stations. Though, we have used the word 'transfer' in this judgment, essentially, it is a case of deployment and re-deployment of personnel brought in to serve on contract basis. The quality of appointment on contract basis, much debated through various decisions of the Apex Court and different High Courts, cannot bring home any eligibility to insist that one should be permitted to continue at a particular place. The deployment of the Petitioner from one office to another is within the same District.
4. We therefore do not find any illegality or jurisdictional error or perverse appreciation of materials by the learned Single Judge in arriving at the conclusion that the writ petition deserves to be dismissed. We concur with it.
5. In the result, the writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)  
**CHIEF JUSTICE**

Sd/-

(P. Sam Koshy)  
**JUDGE**