

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4413 of 2016

- R. D. Koshariya S/o Late Budhram Koshariya, Aged About 52 Years Occupation Principal (At Government Girls Higher Secondary School Ambagarh Chowki) R/o Ambagarh Chowki, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Education, Mantralay, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Director, Lok Sikshan Sanchnalaya, Directorate, Indravati Bhawan, New Raipur, Chhattisgarh.
3. Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
4. District Education Officer, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ravi Kumar Bhagat, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

08/02/2017

1. Heard.
2. Petitioner is aggrieved by the order dated 30/07/2016 passed by the respondent-State.
3. Learned counsel for the petitioner submits that according to the petitioner's information he has been transferred on serious complaints of being involved with another teacher in misappropriation of money, which is reflected from complaint Annexure P/3 and report submitted in Police Station pursuant to which Police has sought information from the petitioner. Vide letter Annexure P/4 which has been duly replied by the petitioner stating that he has no involvement. Therefore, the transfer is without any exigency of service and only an act of harassment. It is also submitted that the transfer order has been made *malafide*. It is also submitted that the transfer of the petitioner will disturb better treatment of the petitioner's mother, who is

receiving treatment at Rajnandgaon Government Hospital.

4. Learned State counsel submits that the petitioner has been transferred on administrative exigency and in compliance of transfer order dated 30/07/2016 he has done.
5. There is nothing in the return that the transfer of the petitioner is being done on complaint. It is not a case petitioner has been transferred frequently within a short period. The transfer appears to be on administrative exigency of service, on the ground of completion of normal tenure of posting at one place. Transfer has been made at the option of District Education Officer, Rajnandgaon and he has been posted in a school in the same district. It would not in any manner adversely affect the petitioner. According to his own case, his mother is receiving treatment in District Hospital, Rajnandgaon.
6. I do not find that the transfer order has resulted in any prejudice of such a degree which should warrant interference by this Court, the petitioner having already joined, is also a factor for not interfering with the transfer order particularly when there is no material on record show *malafide* exercise of power, therefore, this petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge