

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1457 of 2017**

- Gokul Ram Korram S/o Shri Kacharu Ram Korram, Aged 57 Years R/o Village Malikpur, Post Bundeli, Tehsil Narharpur, District Kanker (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of School Education, Mahanadi Bhavan, Naya Raipur, District Raipur (Chhattisgarh)
2. Director, Directorate Of Public Education, Indirawati Bhavan, Naya Raipur (Chhattisgarh)
3. District Education Officer, School Education Department, District North Bastar Kanker (Chhattisgarh)
4. Block Education Officer, School Education Department, Block Narharpur, District North Bastar Kanker (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri SK Dewangan, Advocate
For Respondents-State	:	Shri Satish Gupta, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/03/2017**

1. Petitioner would assail the order dated 10.06.2016, by which he has been transferred in the same capacity from the post of Head Master, Govt. Middle School, Jhaliyamari, Block-Narharpur to the Govt. Middle School, Asebeda, District Kanker.
2. On the petitioner's own showing he has already been relieved by the Block Education Officer, Narharpur vide Annexure P-4.

3. The impugned order would categorically record that the transfer is on administrative grounds. The petitioner has filed representation that he is the President of the Block Unit of the Chhattisgarh Shikshak Sangh, therefore, he is entitled to be exempted from the transfer policy. Neither the copy of the policy has been placed on record nor the petitioner preferred the writ petition before his relieving to join transferred place of posting, therefore, the writ petition, in respect of an administrative transfer order, has no substance.

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

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

6 (2009) 8 SCC 337

5. In view of the above, the writ petition being devoid of any substance deserves to be and is hereby dismissed. However, the petitioner would be at liberty to pursue his representation.

Sd/-

Judge
Prashant Kumar Mishra

Ashu