

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6733 OF 2018**

Dr. Madan Mohan Tiwari S/o Late G.B. Tiwari Aged About 62 Years Presently Working As Professor (Physics), Government J. Yoganandan Chhattisgarh College, Raipur, R/o RMS Colony, Tagore Nagar, Raipur Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Higher Education Mantralay, Mahanadi Bhawan, Naya Raipur (CG).
2. The Principal Government Chhattisgarh, College, Raipur., District : Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri BP Sharma, Shri Sameer Oraon and Ms. Trishna Das, Advocates.
For Respondent-State	:	Shri Mazid Ali, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09.10.2018**

1. The present petition has been filed assailing the transfer order dated 01.10.2018 whereby the petitioner has been transferred Govt. Chhattisgarh College Raipur to Govt. Chhattisgarh College, Ambagarh Chowki.
2. The contention of the petitioner is that the said order of transfer has been made on punitive ground and that it suffers from malafides. According to the petitioner, the only ground for which the transfer has been made is that the petitioner in the course of granting permission to start M.Sc. Course, he had taken certain strict measures which was not acceptable either to the governing body or to the Students who wanted admission in the M.Sc. Course. In support of his contention, the petitioner relied upon the decision of Supreme Court in case of Somesh Tiwari Vs. Union of India & Ors., 2009(2)SCC 592.
3. On a query being put to the counsel for the petitioner, he fairly admits that the petitioner has been posted at the present place for more than three

years. Moreover, the impugned order reflects that it is not just a case of petitioner alone which has been issued. It is a case where 91 persons have been transferred.

4. The order of transfer clearly depicts of having been passed on administrative exigency. The contention which the petitioner has raised with regard to certain strict measures for admission in M.Sc course is concerned, the same has taken place much before passing of the impugned order and as such it is difficult to co-relate with the impugned order of transfer which has been made on administrative exigency.
5. So far as transfer matter is concerned, the law by now is well settled by a catena of decisions of this this court wherein it has been held that transfer can be interfered by the High Court/Tribunal only in the event if the transfer has been made on malafide or has been made contrary to the service conditions and also when the same is impermissible under the rules. None of these grounds have been raised by the petitioner in the present petition. Further, undoubtedly the petitioner's job is an transferable job. Therefore, this court find it difficult to presume or assume that the order of transfer is either punitive or has been made with malafide intention .
6. Given the aforesaid factual situation of the case and also taking into consideration the law that has been laid by the Supreme Court as well as by this court time and again so far as scope of judicial review of the court in the matters of transfer, this court does not find any strong case made out for interference with the impugned order.
7. Accordingly, the petition fails and stands dismissed. No order asto costs.

Sd/-
(P. Sam Koshy
Judge