

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 37248 of 2018**

**ORDER:**

This writ petition is filed seeking to issue a writ of mandamus setting aside the Memo dated 24.08.2018 issued by the 3<sup>rd</sup> respondent transferring the petitioner to National Institute for Employment of Persons with Intellectual Disabilities (Divyangjan), Regional Center, Kolkata, as illegal and arbitrary.

Heard Sri M. Venkanna, learned counsel for the petitioner, and Sri K. Lakshman, learned Assistant Solicitor General, appearing on behalf of the respondents.

It is the case of the petitioner that he was appointed as Lecturer in Occupational Therapy with the respondents on 18.10.2004 and continued for 14 long years. While so, all of a sudden, vide orders dated 24.08.2018, the 3<sup>rd</sup> respondent issued the impugned Memo transferring the petitioner to the Regional Center, Kolkata. Challenging the same, the present writ petition is filed.

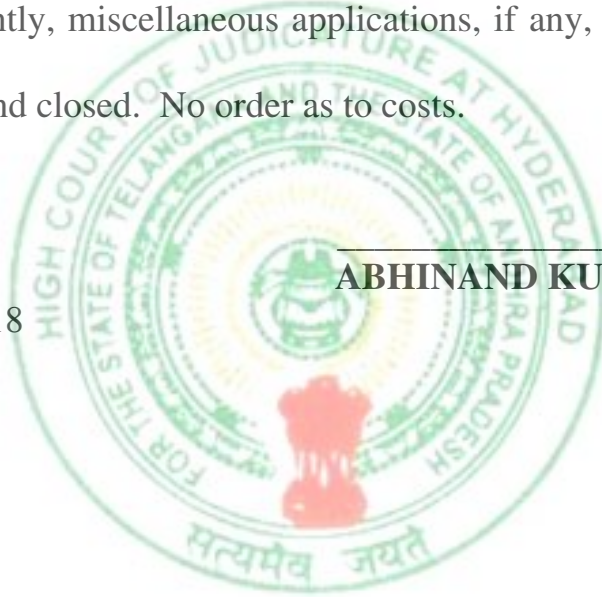
Learned counsel for the petitioner has contended that the petitioner is highly qualified person and there is no such equivalent post at Kolkata and, hence, the petitioner cannot be transferred to Kolkata in a non-existent post. He further contended that though the petitioner had submitted a representation to the respondents on 08.09.2018, the respondents have not considered the said representation and the same is still pending with them.

This Court, having considered the submissions made by the learned counsel for the petitioner, is of the considered view that transfer is an incidence of service. Until and unless some mala fides are attributed, this Court cannot interfere with the matters of transfers. Therefore, this Court is not inclined to interfere with the impugned memo. However, the respondents are directed to consider the representation of the petitioner dated 08.09.2018 and pass appropriate orders thereon within one week from the date of receipt of a copy of this order.

Consequently, miscellaneous applications, if any, pending in the writ petition shall stand closed. No order as to costs.

11<sup>th</sup> October, 2018  
cbs

**ABHINAND KUMAR SHAVILI, J**



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 37248 of 2018  
(disposed of)

11<sup>th</sup> October, 2018

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