

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 5034 of 2019**

Lokesh Patel S/o Late Shri Rajendra Patel Aged About 29 Years  
Occupation - District Coordinator SBM-PIU Nagar Panchayat Kota  
Chhattisgarh, R/o Gitanjali City House Number 43, Thana Sarkanda,  
District Bilaspur Chhattisgarh.

**---- Petitioner(s)**

**Versus**

1. The State of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralay Atal Nagar, District Raipur Chhattisgarh.
2. State Urban Development Authority (SUDA) 4th Floor, D- Block, Indravati Bhavan Atal Nagar, Phone / Fax 0771-2511595, 2222409.
3. M/s Rajhans Consultant and Technocrats Pvt. Ltd. Bhilai, District Durg Chhattisgarh.
4. Chief Municipal Officer Nagar Panchayat Kota, Division, Bilaspur Chhattisgarh.
5. Municipal Council Dantewada (Cluster Dantewada, Geedam and Barsur) Chhattisgarh.

**---Respondents**

|                |   |                                   |
|----------------|---|-----------------------------------|
| For Petitioner | : | Shri Sumit Shrivastava, Advocate. |
| For State      | : | Ms. Sunita Jain, Govt. Advocate.  |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**09.07.2019**

1. Challenge in this petition is to the impugned orders Annexures P/1 & P/2 dated 20.06.2019. Vide the said impugned orders the petitioner has been transferred from Nagar Panchayat, Kota to Municipal Council, Dantewada as District Co-ordinator.
2. The challenge has been made on the ground that the petitioner is being transferred at the behest of the State Govt. to a place more than 500 KM away and that the petitioner who has recently become a father of a newborn child would find it difficult to leave the family at present place of posting.
3. At the outset, this court is of the opinion that the present writ petition may not be maintainable for the reason that the petitioner is not an employee of

the State Govt.. He is infact an employee under the respondent No.3 which is a private entity. The respondent No.3 has been awarded contract by the State Govt. and the respondent No.3 infact was discharging the duties as per the contract agreement with the State Govt. Therefore, this court in exercise of its power under Article 226 of the Constitution of India would not be in a position to entertain the writ petition or issue a mandamus to the respondent No.3, a private entity.

4. Considering the facts and circumstances of the case and also taking assistance of the judgment of this court in case of Ku. Vidya Mishra Vs. Governing Body & Others, WPS No.2754 of 2012, decided on 03.08.2018, this court is of the opinion that the present writ petition is not maintainable.
5. Accordingly, reserving the right of the petitioner to avail other options available to him, the present writ petition stands rejected.

Sd/-  
(P. Sam Koshy)  
**Judge**

inder