

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No.370 of 2019

(Arising out of order dated 31.07.2019 passed by learned Single Judge in
WPS- 5709 of 2019)

Smt. Hemlata Ratre W/o Shri Chhedilal Ratre, Aged About 51 Years R/o
Purani Basti, Near Jaistambh, Village - Uslapur, Post - Sakri, District -
Bilaspur, Chhattisgarh. Pincode – 495001.

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department of Education,
Mantralaya, Mahanadi Bhawan, New Raipur, District - Raipur
Chhattisgarh.
2. Collector -Bilaspur, Collectorate Building, District - Bilaspur Chhattisgarh.
495001.
3. Chief Executive Officer, Zila Panchayat -Bilaspur, District - Bilaspur
Chhattisgarh.
4. District Education Officer, District - Bilaspur Chhattisgarh 495001.
5. Chief Executive Officer, Janpad Panchayat - Takhatpur, District Bilaspur
Chhattisgarh.
6. Block Education Officer, Takhatpur, District - Bilaspur Chhattisgarh.
7. Smt. Anjali Sharma, Shiksha -Karmi, Government Primary School
Devalpara, Block - Takhatpur, District – Bilaspur, Chhattisgarh.

-----Respondents

For Appellant	:	Mr. Sangharsh Pandey, Advocate.
For State	:	Mr. Gagan Tiwari, Dy. Government Advocate.
For Respondent No.7	:	Mr. Parag Kotecha, Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per Parth Prateem Sahu, J
20.11.2019

1. Challenge in this appeal is to the order passed by the learned Single
Judge whereby the writ petition filed by the petitioner challenging her
transfer from Government Primary School, Shanti Nagar, Uslapur, Block :
Takhatpur, Distt. Bilaspur, C.G to Government Primary School, Devalpara-
Ganiyari, Distt. Bilaspur, C.G has been dismissed.
2. Learned counsel for the appellant submits that respondent No.7 has been
transferred to Government Primary School, Shanti Nagar at Uslapur only
to accommodate her and the appellant, who is a senior most teacher in the

said school, has been transferred and posted at place of respondent No.7 ie Government Primary School, Devalpara-Ganiyari. He further submits that few days prior issuance of impugned transfer order, respondent No.7 has been relieved from Govt. Primary School, Shantinagar at Uslapur and now again she has been transferred to Govt. Primary School, Shanti Nagar at Uslapur, which itself shows the action on the part of the respondent to be arbitrary.

3. Per contra, learned counsel for the State submits that the transfer of the appellant has been made on the administrative grounds and respondent No.7, who is a teacher of Science subject, has been posted in Govt. Primary School, Shanti Nagar at Uslapur only to meet out the teaching arrangement. He also submits that the appellant is being posted in said school since 2007 and thereby she has already completed about 12 years of service in the said school.
4. Transfer is an incidence of service and no employee can claim that he/she should be posted at a particular place of posting during his/her entire period of government service. It is for the employer to utilise the services of an employee looking to his qualification, efficiency as well as the expertise on a particular field or subject.
5. It is settled law that the Courts should not interfere with the transfer order, unless and until it is proved that the officer issuing transfer order is not competent to do so or that the order of transfer suffers from mala fide. In the case at hand, the appellant has neither made any submission nor placed any evidence on record to establish that the impugned order of transfer is passed without any authority or it is effected by mala fides.

6. In view of the above discussions and considering the facts and circumstances of this case that respondent No.7 has been posted in the School at Uslapur being a science teacher which can be in the interest of students and further looking to the fact that the appellant has continuously worked in the said School about 12 years and that she has been now transferred to Government Primary School, Devalpara-Ganiyari, which is only 20 km away on main road between Bilaspur to Kota from her earlier place of posting, we do not find any ground to interfere with the impugned order passed by the learned Single Judge.

7. The appeal fails. It is dismissed accordingly.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge