

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9948 of 2019**

- Radhelal Jaiswal S/o Late Shri Mahajan Jaiswal Aged About 54 Years Working As Lecturer, And Posted At Block Education Officer Nawagarh, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department Of School Education Development, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh
2. Collector Janjgir Champa District Janjgir Champa Chhattisgarh
3. District Education Officer Janjgir Champa District Janjgir Champa Chhattisgarh
4. Vijay Kumar Lahre Working As Lecturer At Block Education Officer Mainpur, District Gariyaband Chhattisgarh

---- Respondents

For Petitioner : Shri Ajay Shrivastava, Advocate

For Respondents/State : Shri Alok Bakshi, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/12/2019**

1. Heard.
2. This is the second round of litigation. In the earlier round of litigation in WPS No.7040 of 2019 the challenge was made to the order dated 22.08.2019 whereby the petitioner was transferred from the office of Block Education Officer, Nawagarh, District Janjgir Champa to the Government Girls Higher Secondary School, Jaijaipur, District Janjgir Champa, wherein this Court on

04.09.2019 has passed the following order:-

- “2. The contention of the petitioner is that, the petitioner has been recently posted at the present place of posting ie., vide order Annexure P-2 dated 14.12.2018 and now within a short span of time, he has again been transferred to a different place.
3. Considering the facts of the case, let the petitioner make a detailed representation to the respondent within a period of 10 days from the date of receipt of copy of this order and the respondent shall consider the same within a period of further 45 days from the date of receipt of representation of the petitioner.
4. Till the representation of the petitioner is decided, there shall be stay of the effect and operation of the impugned order (Annexure P-1), so far as the petitioner is concerned.
5. Accordingly, the present Writ Petition stands disposed off.”

3. Learned counsel for the petitioner submits that pursuant to the order dated 04.09.2019 passed in WPS No.7040 of 2019, the petitioner had filed the representation and the representation is rejected without considering the ground raised by the petitioner. Therefore, the order rejecting the representation of the petitioner is bad in law and requires to be set aside.
4. Per contra, learned State counsel would submit that the transferred place is only at the distance of 50-60 km and no prejudice would be caused to the petitioner and the challenge is probably made on the ground that the petitioner is assigned the teaching work at the transferred place, therefore, the challenge is not bona fide.
5. After over all evaluation of the facts, since the transfer is from one office to another that too within a distance of 50-60 kms, I do not find that any substantial prejudice has been caused to the petitioner or it is against the interest of the petitioner and the transfer is within the district. Transfer which is an incidence of service is not to be interfered with by Courts unless it is shown

to be clearly arbitrary or visited by malafide or infraction of any prescribed norms of principles governing the policy of transfer. Further it is prerogative of the State to decide as to what nature of work is to be obtained from the petitioner and the petitioner himself cannot decide the fact that he will discharge a particular job at a particular place.

6. Accordingly, the writ petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu