

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10543 of 2019**

Dr. Neetu Harmukh D/o. Late Shri Ashish Harmukh, Aged About 41 Years
Occupation Service, Presently Posted As Assistant Professor (Botany) At
Govt. D.B. Women P G College Raipur R/o. Shri Hari Niwas, Near Yash Atta
Chakki, Subhash Nagar, Durg, District Durg Chhattisgarh.
--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary Higher Education Department
Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, Naya Raipur
District Raipur Chhattisgarh.
2. State of Chhattisgarh Through The Secretary General Administration
Department Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar,
Naya Raipur, District Raipur Chhattisgarh.
3. Commissioner, Chhattisgarh State, Higher Education Department,
Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
--- **Respondents**

For the Petitioner : Mr. Sunil Sahu, Advocate

For the State/Respondents : Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****12-12-2019**

1. This is second round of litigation. The petitioner has been
transferred from Government DB Girls PG College Raipur, Distt.
Raipur to Govt. College, Gobra, Navapara, Distt. Raipur,
Chhattisgarh by order dated 21.08.2019 which was under
challenge in WPS No. 7060 of 2019 wherein this Court by order
dated 04.09.2019 has passed the following order:

“1. The challenge in the present writ petition is to
the order dated Annexure P-1 dated 21.08.2019 passed by
respondent No.3 whereby the service of the petitioner have
been transferred from Govt. DB Girls PG College, Raipur,
Distt. Raipur (C.G) to the Government College, Gobra,

Navapara, Distt. Raipur, Chhattisgarh.

2. Without entering into the merits of the case, counsel for the petitioner prays that the petitioner may be permitted to make a representation to the respondents and the respondents in turn may be directed to decide the same as expeditiously as possible.

3. Not opposed.

4. Accordingly, the instant writ petition stands disposed off with liberty to the petitioner, if he so chooses, may prefer a detailed representation to the respondents. Considering the fact that it is a case of transfer, the respondents may decide it as expeditiously as possible preferably within a period of 30 days from the date of copy of this order, as per the rules”.

2. Learned counsel submits that thereafter the representation has been filed before the Grievance Reddressal Committee and the said committee without considering the grounds raised by the petitioner has rejected the representation.
3. Learned State Counsel opposes the same. He submits that the distance between the present place of posting and place of transfer is 35 Kms.
4. Perused the order dated 18.10.2019 passed by the Grievance Reddressal Committee rejecting the application. Reading of the order shows that in order to maintain the ratio of vacancies of teachers in urban and rural areas, the transfers are effected looking to the educational system etc., and in that process, from the place where the surplus teachers are available, they are being sent to other places where the teachers are not available. The committee has held that the transfer has been made on administrative exigency and there was no violation of Transfer

Policy 2019.

5. 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 mala-fide or infraction of any prescribed norms of principles governing the policy of transfer. Therefore, I do not find any reason to interfere with the order whereby the representation of the petitioner has been rejected.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-

**GOUTAM BHADURI
JUDGE**