

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 99 of 2020**

- Smt. Anita Patel W/o Shri Manoj Kumar Patel Aged About 35 Years Presently Posted As Assistant Professor Chemistry At Government College, Saraipali, District Mahasamund Chhattisgarh. R/o Village Dalam, Post Chanat, Basna, District Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary Department Of Higer Education , Mantralaya, Mahanadi, Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Under Secretary Department Of Higher Education, Mantralaya , Mahanadi, Bhawan Naya Raipur, District Raipur Chhattisgarh
3. Principal Government College Saraipali, District Mahasamund Chhattisgarh
4. Smt. Sabya Patel Presently Posted As Assistant Professor Chemistry At Government College, Baloda , District Mahasamund Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ishan Verma, Advocate
For Respondents/State	:	Shri Ravish Verma, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13/01/2020**

1. Heard.
2. Challenge in this petition is to the transfer order dated 26.12.2019 whereby she has been transferred from Government College, Saraipali, District Mahasamund to Government College Baloda, District Mahasamund.
3. Learned counsel for the petitioner would submit that the petitioner is trained under NSS, therefore, as per the policy dated 29th of October, 2004 when the

government has imparted training to certain officer for NSS then the officer should not be transferred to the other college where NSS is not available. He would further submit that one person is working at Baloda wherein the petitioner has been transferred and no person trained under the NSS would be available at Saraipali. He would further submit that the petitioner has undergone a spine surgery, therefore, at this moment the petitioner may not be transferred.

4. Perusal of the policy would show that normally when the person is trained under the NSS then certain expenses are incurred by the government in imparting the said training, therefore, to avoid the repetition of expenses these officers are not posted where the NSS is not available but in the present case it is not that where the petitioner has been transferred NSS is not available. It is the prerogative of the Government to obtain the services from the particular person in a particular place and one employee cannot be posted for the time immemorial at a particular place of his choice. Therefore, unless and until the transfer is tainted with malafide or illegality it being the incident of service, the same cannot be interfered. However, the petitioner is given liberty to make a suitable representation, if so advised, before the concerned respondent.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu