

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 644 of 2020**

Gitesh Kumar Dansena S/o Late Shri Kalash Ram Dansena Aged About 52 Years Working as Assistant Grade-II, Office of Project Officer, Integrated Child Development Scheme, Patthalgaon, District- Jashpur, Chhattisgarh,  
**--- Petitioner**

**Versus**

1. State of Chhattisgarh through The Secretary, Women and Child Development Department, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Commissioner Women and Child Development Secretariat, Indravati Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh
3. The Project Officer Integrated Child Development Scheme, Patthalgaon, District- Jashpur, Chhattisgarh.
4. The Transfer Coordination Committee Government of Chhattisgarh, Atal Nagar, Mantralaya, Nawa Raipur, Chhattisgarh.  
**--- Respondents**

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For the Petitioner : Mr. J.K. Saxena, Advocate

For the State : Mr. Akanksha Jain, Dy. Govt. Advocate.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**29-01-2020**

1. The petitioner who is working as Assistant Grade-II in the office of Project Officer, integrated Child Development Project, Pathalgaon, Distt. Jashpur (C.G) has been transferred to the office of District Programme Officer, District Women and Child Development Scheme, District Koriya, Chhattisgarh, which was subject to challenge in W.P(S) No. 7054/2019, wherein this Court on 04.09.2019 has passed the following order :

“1. The challenge in the present writ petition is to the order Annexure P-1 dated 12.07.2019 whereby the services of the petitioner

have been transferred from Office of Project Officer, Integrated Child Development Project, Pathalgaon, District Jaspur (C.G) to the Office of District Programme Officer, District Women and Child Development Scheme, District Koriya, 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. No 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 receipt of copy of this Order, as per rules”.

2. Subsequently the representation having been submitted, the same has been rejected by impugned order 29.10.2019 (*Annexure P-1*). Learned counsel for the petitioner would submit that while deciding his representation, nothing has been considered despite the fact that the transfer is in mid academic session and the children of the petitioner are studying at Pathalgaon, therefore, it would cause great hardship to the petitioner if he is transferred in the mid session. That apart, certain medical documents have been annexed to the petition and would submit that the petitioner may be given certain breather time till the annual examination of the children of the petitioner at Pathalgaon are over.
3. Perused the documents. Considering ground mentioned in the impugned order dated 21.10.2019, prima facie it appears that the representation has been rejected mainly on administrative ground.
4. It is settled law that Transfer of a Government Servant appointed to a particular cadre of transferable post from one place to the

another is an incident of service, which cannot lightly 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. No Government servant or employee of Public undertaking has legal right for being posted at any particular place. Therefore, I do not find any merit in this writ petition warranting interference in the impugned order.

5. However, since the submission is made that the transfer has been made in mid academic session and the annual examinations of the children of the petitioner is going to be held in the month of March-April, the petitioner is given liberty to file a suitable application to the Project Officer, respondent no.3 to defer his relieving on the ground that the children of the petitioner are studying and their annual examinations are going to be held in the month of March-April. If such an application is filed, the same shall be considered and decided by respondent no.3 sympathetically.
6. With such observation, this writ petition stands disposed of.

**Sd/-  
GOUTAM BHADURI  
JUDGE**