

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1655 of 2019

Shewta Gupta D/o Devendra Kumar Gupta Aged About 27 Years
Occupation - Service, Presently Working As Hostel Superintendent,
Pre - Matric Schedule Tribe Girls Hostel, Bilha, District Bilaspur
Chhattisgarh. R/o Arvind Marg, Sarkanda, Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Schedule Tribe And Schedule Caste Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Commissioner Schedule Tribe And Schedule Caste Development, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Collector (Tribal Welfare) Bilaspur, District Bilaspur Chhattisgarh.
4. Assistant Commissioner Tribal Development, Old Composite Building, Bilaspur Chhattisgarh.
5. Smt. Mamta Singh Hostel Superintendent, Tribal Development Office, Old Composite Building, Bilaspur Chhattisgarh.

----Respondents

For petitioner – Shri Malay Shrivastava, Advocate.
For State-Ms. Akansha Jain, Dy.G.A.
For respondent No.5-Shri Pranjal Shukla, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

02/01/2020

Heard.

1. Challenge in this petition is to the order dated 4/01/2019 (Annexure P-1) wherein the petitioner has been said to have been transferred from Pre-Matric Schedule Tribe Girls Hostel, Bilha to Pre-Matric Schedule Tribe Girls Hostel, Sarkaripara, Pendra. Learned counsel would refer to Annexure P-3 and would submit that the respondent No.5 Mamta Singh was transferred to Pre-Matric Schedule Caste Girls Hostel at Bilha. It is further submitted that the Pre-Matric Hostel of Schedule Tribe and Schedule Caste are different. It is further stated that in order to accommodate the respondent No.5 the said transfer

has been made. He would refer to document dated 24/12/2018 which is filed by the respondent and would submit that despite the fact that she was transferred to the Schedule Caste Hostel she tried to took over charge in Schedule Tribe Hostel. It is stated subsequent to such date the order dated 7/02/2019 was passed by the State wherein clarification was made about place. Therefore it has been made in order to accommodate respondent No.5 and detrimental to interest of petitioner.

2. Per contra, learned State counsel and counsel for respondent No.5 opposes the argument. It is submitted that the petitioner was given additional charge of Schedule Tribe Hostel at Bilha and in Annexure P-3 the correction was made wherein the transfer of the respondent No.5 Mamta Singh was corrected to be as Schedule Tribe Girls Hostel at Bilha. It is further submitted that therefore no ambiguity exist in this case and when the respondent No.5 was transferred to the Girls Tribal Hostel at Bilha the order Annexure P-1 was passed whereby the original posting order of the petitioner was restored that was of Pendra.

3. Heard learned counsel for the parties.

4. After perusal of the record it would show that the entire confusion started when the respondent No.5 Mamta Singh was transferred to Bilha wherein the place of transfer was shown as Pre-Matric Schedule Caste Girls Hostel at Bilha. The document filed by the State Annexure R-5 dated 7/02/2019 would show that State clarified the fact that by inadvertent mistake the place of transfer of Mamta Singh was shown as Pre-Matric Schedule Caste Girls Hostel at Bilha which should be read as Pre-Matric Schedule Tribe Girls Hostel, Bilha. The document dated 27/01/2018 Annexure R-3 filed by the State would show the background under which the petitioner was transferred to Pre-Matric Schedule Tribe Girls Hostel, Bilha and the order purports that she was temporarily posted at Bilha for the reason that one Astha Chandrakar was removed from the hostel and

until further order the petitioner was allowed to work at Bilha. Subsequently Mamta Singh was transferred to Bilha and consequently the petitioner has been repatriated back to the original place of posting at Pendra by Annexure P-1. The documents if are read together it shows that confusion which occurred by showing the place of posting of respondent No.5 Mamta Singh at Pre-Matric Schedule Caste Girls Hostel, Bilha stands corrected by the order of the State by making it to Pre-Matric Schedule Tribe Girls Hostel, Bilha. Even otherwise reading of the Annexure R-3 filed by the State would show that the petitioner was temporarily posted as a stop gap arrangement at Bilha. Even otherwise from the date of posting of 27/01/2018 two years have already passed, therefore considerable period having been passed it is the prerogative of the State to place a particular employee at a particular place. When the petitioner basically was posted for a limited period and having discharged the said job for a considerable period of time, right to remain at such particular place cannot be claimed as a matter of right and even transfer being incident of service, same do not require any interference unless malafide are shown. Under the circumstances, I do not find any merit in this case to entertain this petition.

5. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE