

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2761 of 2020**

- Suresh Kumar Banjare S/o Shri Kohal Singh Banjare Aged About 52 Years Presently Working As Head Master Government Primary School, Tilkapara, Block Nawagarh, District Bemetara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Directorate Of Education Department, Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh
3. District Education Officer District Bemetara Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vinay Pandey, Advocate
For Respondents/ State	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****16/07/2020**

Heard.

1. The present petition is against the order dated 25.06.2020. In the earlier round of litigation the challenge was made to the transfer of the petitioner from Govt. Primary School, Tikapara, Block Nawagarh District Bemetara to Govt. Primary School, Sankra, Block Berla, District Bemetara in WPS No. 8767 of 2019 wherein this Court on 23.10.2019 has passed the following orders:-

" 1. The grievance of the petitioner is that the petitioner has been transferred from Government Primary School, Tilkapara, Block Nawagarh District Bemetara to Government Primary School, Sankra, Block Berla, District Bemetara.

2. Learned counsel for the petitioner submits that the service of the wife of the petitioner is also at Nawagarh and as per the transfer policy of the government normally the husband and wife are to be kept in same place and the transfer of the petitioner would effect the family of the petitioner. It is further contended that the petitioner was also holding a post of President in Chhattisgarh Pradesh Shikshak Sangh, District Bemetara and as per Clause 1.4 of the Policy of the State, the person who holds some post in association, he cannot be transferred.

3. Considering the different grounds which are raised by the petitioner and taking into the fact, the petitioner is directed to make a representation to the concerned respondent within 15 days from date of receipt of copy of this order. If such representation is made the same may be decided within a further period of 45 days, till then the transfer of the petitioner shall not be given effect to."

2. Learned counsel for the petitioner would submit that thereafter the petitioner has filed a representation before the authority and the authority without taking into consideration the grounds raised by the petitioner has dismissed the representation which is under challenge. He further submits that the representation has been dismissed without any speaking order.
3. During the course of arguments when specific query was raised as to why the copy of the representation has not been placed, learned counsel for the petitioner is unable to answer the same and would submit that the order rejecting the representation contains such clause which would show that the petitioner has raised those grounds. The document Anneuxre P-6 would show that the petitioner already stands relieved. Further, it is well settled law that the 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.

4. In view of the above settled legal position, I am not inclined to interfere with the impugned transfer order. Accordingly, this petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti