

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3902 of 2020

- Ashalata Vaishnav D/o Late Virendra Das Vaishnav, Aged About 56 Years Working As Upper Division Teacher, Pre - Middle School, Chingrajpara, Block - Bilha, District - Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. The Director, Directorate Of Public Instructions, Raipur Chhattisgarh.
3. The Collector, District - Bilaspur Chhattisgarh.
4. The Block Education Officer, Block - Bilha, District - Bilaspur Chhattisgarh
5. Smt. Jyoti Kochar, Posted As Teacher (L B), Government Pre - Middle School, Lagra, Block-Bilha, District - Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Shri K.K. Pandey, Advocate
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For State	:	Ms. Akanksha Jain, Dy. G.A.
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Hon'ble Shri Justice Goutam Bhaduri

Order

06.10.2020

Heard.

1. The challenge in this petition is to the order dated 18.08.2020 (Annexure P-1) whereby the representation of the petitioner has been dismissed.
2. Learned counsel for the petitioner would submit that the representation of the petitioner has been rejected without any speaking order or assigning any reason, therefore Annexure P-1 cannot be given effect to.
3. Perusal of records would show that the petitioner has been transferred from Pre-Middle School, Chingrajpara, Block Bilha to Pre-Middle School, Lagra, Block Bilha which was subject of challenge in WPS No. 5952 of 2019 wherein this Court on 08.08.2019 has passed the following orders :-

"1. The challenge in the present Writ Petition is to th order Annexure-P/1 dated 12/07/2019 whereby the services of the petitioner has been transferred from Pre-Middle School, Chingrajpara, Block-Bilha to Pre- Middle School, Lagra, Block-

Bilha, District Biliapur, Chhattisgarh.

2. Without entering into the merits of the case, the counsel for the petitioner wants that the petitioner may be permitted to make a representation to the respondents raising these grounds and the respondents in turn may 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 which considering the fact that it is a case of transfer, the respondents may decide it as expeditiously as possible. "

4. Thereafter, the petitioner has preferred a representation before the Collector. He further submits that the representation was made to the Collector but it has been decided by the Secretary, School Education (Respondent No. 1) which could not be done that too without any speaking order. During the course of argument it is contended that the place of transfer is 8 kms away from the present place of posting and the petitioner is a maths teacher and it would cause difficulty in imparting education to the children from the school where from petitioner has been transferred as there would be scarcity of maths teacher.

5. Learned State counsel opposes the arguments.

6. Perusal of records would show that in the earlier round of litigation the petitioner had challenged the initial transfer order dated 12.07.2019, in WPS No. 5952 of 2019 wherein the petitioner was given the liberty to make a representation. The representation was made but is rejected which is under challenge. There is nothing on record to show that the earlier transfer order whereby the petitioner was transferred from Pre-Middle School, Chingrajpara, Block Bilha to Pre-Middle School, Lagra, Block Bilha is tainted with malafide or has been annulled. It is further stated that the distance between the place of transfer is only 8 kms. During the argument it is also submitted that the petitioner is posted at last school i.e. at Pre-Middle School, Chingrajpara for last 3-4 years.

7. 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. In facts of case no serious prejudice would be done to the petitioner considering the distance in place of transfer coupled with fact that petitioner is posted at Pre-Middle School, Chingrajpara for last 3-4 years.
8. In view of the above settled factual and legal position, I am not inclined to interfere with the impugned transfer order. Accordingly, this petition is dismissed.

Sd/-
Goutam Bhaduri
Judge