

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 87 of 2020**

Smt. Mamta Rastogi, W/o. Neeraj Rastogi, Office Address : At Present Posted As Stenographer (Evidence Writer In Work Management) Under Principal Magistrate, Juvenile Justice Board, Raipur, District - Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Principal Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
2. District And Session Judge Raipur, Chhattisgarh
3. Administration Officer, District And Session Court, District- Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Akash Kumar Kundu, Advocate
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.01.2020**

Heard

1. In the present petition, the petitioner has challenged the transfer order dated 13.12.2019 wherein the petitioner has been posted at the place at Additional District & Sessions Judge, Fast-Track, Special Court (POCSO) Gariyaband to a vacant post of the Stenographer.
2. The petitioner contends that the petitioner was earlier working with 4th Civil Judge Class-II, Raipur and by order dated 27.11.2019 (Annexure P-2) she was posted at Juvenile Justice Board, Raipur. It is contended that the petitioner is subjected to frequent transfer as on 27.11.2019, the petitioner was transferred to Juvenile Justice Board and subsequently again on 13.12.2019 she is transferred to the Court of Additional District & Sessions Judge, Fast-Track, Special Court (POCSO) Gariyaband; therefore, the said transfer would come under the frequent transfer. It is

further contended that the transfer is an outcome of malafide since complaint was made by the presiding officer against her and in a result she was transferred.

3. State counsel opposes the argument and would submit it is not a transfer, it is only work distribution and furthermore the show cause notice Annexure P-3 is also under challenge which is premature as the petitioner has only been asked to submit her reply. Therefore, the entire petition is devoid of all merit and required to be dismissed.
4. Perused the documents. The order dated 27.11.2019 (Annexure P-2) is passed by the District & Sessions Judge Raipur wherein the petitioner has been placed from the post of Stenographer, 4th Civil Judge Class-II Raipur to the Court of Juvenile Justice Board, Raipur. The said posting of the petitioner who is a Stenographer was within the Raipur district and furthermore from one Court to another. Subsequent order dated 13.12.2019 (Annexure P-1) would show that the petitioner is further posted at Additional District & Sessions Judge, Special Court (POSCO) Gariyaband on the post of Stenographer as the post of Stenographer was vacant. The petitioner was appointed to the substantial post of Stenographer, therefore, in order to get the work done of a particular Court, if one Stenographer is posted or reshuffled then it cannot be stated that it is a transfer, specially when Gariyaband is within the District Raipur. If the contention of the petitioner are accepted and the District Judge is denuded of the power to place a particular employee to a particular place then in such eventuality it would lead to paralyze the entire judicial delivery system in District Judiciary. It cannot be arrested at the behest of one employee. The internal posting of a particular person depends on the administrative exigencies in the District and this Court would not interfere in such orders, unless it is tainted with malafide or the

officer who has posted him do not have the power to do so for want of authority.

5. In the instant case neither the authority of the District & Sessions Judge is in question nor anything prima facie could be assumed that such posting is tainted with malafide. Furthermore the said posting being the exigency of service, the interference of the Court are not called for unless the aforesaid position exists. Furthermore, the quashment of the show cause notice dated 19.11.2019 (Annexure P-3) the petitioner has been asked to submit a parawise reply to the notice issued, the petitioner cannot therefore assume the decision herself to canvass that no reply would be required and it is outcome of malafide. Such contention is completely premature, without any logic and substance; therefore, the petition being devoid of all force on merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge