

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 166 of 2021**

1. Vikas Patel S/o Shri Shivnandan Patel Aged About 26 Years Presently Posted As Junior Sericulture Inspector At Kosa Beej Kendra Chhal, Block Dharamjaygar, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Rural Industries (Sericulture), Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Under Secretary Department Of Rural Industries (Sericulture), Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
3. Deputy Director (Sericulture) Near Urdana Chowk, Circuit House Road, Raigarh District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ishan Verma, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.02.2021**

1. The challenge in the present writ petition is to the rejection of the representation that the petitioner has made against an order of transfer.
2. The facts of the case is that the petitioner was working on the post of Junior Sericulture Inspector. The petitioner in the year 2018 was posted at Surajpur and thereafter the petitioner made a request for being transferred closer to his home town, so that he could attend/meet parents. The said order was accepted by the authorities and he was

transferred to District Raigarh vide order dated 22.08.2019 and the petitioner gave his joining at Raigarh. Down the line, the respondents have issued a fresh order of transfer on 20.08.2020 transferring the petitioner from District Raigarh to District Bijapur. The petitioner thereafter preferred a writ petition i.e. WP(S) No. 3495/2020 which was disposed of on 14.09.2020.

3. The relevant portion of the order passed by this Court on 14.09.2020 is reproduced here-in-under:-

3. Perused the document Annexure P-4 which was earlier transfer dated 22.08.2019 and the recent transfer which is made on 20.08.2020 by Annexure P/1. Considering the time gap in between earlier transfer from Surajpur to Raigarh and recent transfer from Raigarh to Bijapur, the petitioner is given liberty to make a fresh representation to the respondent No. 2 Under Secretary, Department of Rural Industries (Sericulture), Mantralaya, Mahandi Bhawan, Nava Raipur, District Raipur within a period of three weeks from today. If such representation is filed, same may be decided within a further period of 60 days. Till then the transfer order Annexure P-1 dated 20.08.2020 in-respect-of the petitioner shall not be given effect to.

4. Pursuant to the order of this Court, the petitioner made a representation to the authorities concerned and the petitioner was permitted to continue at present place of posting. Now vide the impugned order Annexure P/1 dated 12.11.2020, the representation of the petitioner stands rejected.
5. Perusal of the impugned order would show that the respondent-authorities in-fact have considered the contents of the representation that the petitioner has made and on due appreciation of contents have decided the representation and rejected the same. Moreover, the contentions that the petitioner has raised in the representation have been dealt with and as such it can not be said that the representation has been decided without appreciation of facts.

6. As regards the scope of interference is concerned without putting in the catena of decisions that has been laid down by the Supreme Court as also by this Court on transfer matters where the scope of interference for the High Court under Article 226 is only on the ground, whether an order of transfer is contrary to the Service Rules or have been issued by an incompetent officer or is illegal or malafide. In the instant case, none of these grounds have been raised for challenging the same.
7. For the aforesaid reasons, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order, the writ petition therefore deserves to be and is accordingly rejected. The reluctance of this Court in entertaining the writ petition would not preclude the petitioner from approaching the Higher Authorities so far as his request for a change of place of posting is concerned.
8. The writ petition accordingly stands rejected.

Sd/-

P. Sam Koshy
Judge