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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE ANAND PATHAK**

ON THE 23rd OF JANUARY, 2024

WRIT PETITION No. 1344 of 2024

BETWEEN:-

**SMT SADHANA CHOUKSEY W/O SHRI ROSHANLAL,
AGED ABOUT 53 YEARS, OCCUPATION: ASSISTANT
TEACHER AHEER MOHALLA WARD NO 2 CHACHODA
DISTRICT GUNA (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI SAMEER KUMAR SHRIVASTAVA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY VALLABH BHAWAN
BHOPAL (MADHYA PRADESH)**
- 2. COMMISSIONER DIRECTORATE OF PUBLIC
EDUCATION GAUTAM NAGAR BHOPAL
(MADHYA PRADESH)**
- 3. DIST. EDUCATION OFFICER GUNA (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI M.S. JADOUN - GOVERNMENT ADVOCATE)

.....
*This petition coming on for hearing this day, the court passed the
following:*

ORDER

1. The present petition under Article 226 of the Constitution has been preferred by the petitioner against the order dated 21.12.2023 (Annexure P/1) by the respondent No.2, whereby the petitioner has been transferred from Government Higher Secondary Boys School Chachada District Guna to

Government Middle School Jhagar, District Guna.

2. Grievance as echoed in the petition is that petitioner has been referred in impugned order as Teacher of Hindi subject whereas she was appointed under the stream of Social Science. She has completed her graduation from Commerce and Post Gradation in Hindi. D.E.O. District Guna has also referred this fact on application filed by the petitioner and directed the concerned Principal not to relieve the petitioner.

3. Learned Government Advocate for the State opposed the prayer and submitted that since 1998 petitioner is working at Chachoda, Guna and since year 2011 she is hostel Superintendent and therefore, she does not want to move out from Chachoda. She has been sent within the vicinity at District Guna and no adversity has been caused. Petitioner is a Teacher in Social Science subject and Hindi falls under that Social Science, therefore, she has been referred as Hindi Teacher.

4. Heard the learned counsel for the parties and perused the documents appended thereto.

5. Transfer is an incident of service. No one much less petitioner has any vested right to be posted at a particular place of posting. It is well settled in law that employer is the best judge to organize its work force and it is also well settled in law that a transfer order cannot be subjected to judicial review unless and until same is found to be influenced by malafide or arbitrary exercise of powers which petitioner fails to do so. Concept of equality as enshrined under Articles 14 and 16 of Constitution of India, has no application to the cases of transfers.

6. In the case in hand, as submitted the petitioner is working at Chachoda since 1998. She is performing the duties of Hostel Superintendent since 2011. If

that is the case then she has rightly been transferred because her main work to impart education rather than administer hostels. She appears to be Teacher of Social Science subject and Hindi falls under Social Science because she is Commerce graduate and thereafter, she undertook Post Graduation in Hindi, therefore, except Hindi she cannot teach any other subject of Social Science, therefore, contention of petitioner lacks merit that she is Teacher of Social Science but referred as Hindi Teacher. Even otherwise, if any anomaly is crept into the order that cannot prejudice the cause of petitioner and her service conditions.

7. In the cumulative facts and circumstances of the case, no case for interference is made out, therefore, present petition stands **dismissed**.

Rashid

(ANAND PATHAK)
JUDGE