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In the High Court of Judicature for Rajasthan
Jaipur Bench

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Civil Writ Petition No.14421/2008
Abdul Salam *Versus* State & (4) Ors.

Date of Order :: 22/12/08

Hon'ble Mr. Justice Ajay Rastogi

Mr. Vijay Kumar Sharma, for petitioner

Petitioner while working as Senior Teacher (General) at Govt. Sr. Higher Secondary School, has been transferred from Sonva to Piplu (Tonk) at a distance of 65-70 kms, vide order dt.24/09/08 (Ann.4). It is also not disputed by petitioner that he was working at Sonva (Tonk) since the year 1990, as referred to by learned Tribunal in its order impugned dt.27/10/08 (Ann.5).

Only contention advanced by Counsel is that petitioner has been transferred vice Ramesh Chand Vijay (respondent NO.4) who is holding post of Sr. Teacher (Sanskrit); in such circumstance, action of respondents in shifting him from Sonva in the present situation is colourable exercise of powers of the authority only with a view to accommodate another incumbent (respondent NO.4) at the place of his posting (Sonva) and the order of his transfer impugned is bad in law.

Suffice is to say that petitioner being

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Sr. Teacher (General) has been transferred from one institution to the other and it is not his case that the institution at Piplu where he has been transferred is a School only of Sanskrit education and where general subjects are not being taught. Whenever a transfer takes place some one is accommodated or posted but merely because if some one has been posted at the place where he has joined, it cannot be said to be an act of malafide unless there is supporting material brought on record.

In instant case, once undeniably, petitioner remained posted at Sonva since the year 1990 and the authority in the interest of administration has considered to transfer him at a distance of 65-70 kms., in the district, itself. No one can claim as a matter of right to continue at one station, particularly when he holds transferable post of Senior Teacher. Even otherwise transfer is an incidence of service, which is ordinarily not required to be interfered with, unless there is either malice imputed or violation of statutory rules. No malice has been imputed against authority which has transferred the petitioner. The learned Tribunal as an appellate authority has examined the order impugned in detail and and did not

find favour and thus, dismissed his appeal. This Court does not find any manifest error committed by learned Tribunal which may call for interference in order impugned

Consequently, writ petition fails and is hereby dismissed alongwith stay appl-2700/08.

(Ajay Rastogi), J.