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SINGLE BENCH

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR (C.G.)

W. P. (S) No. 6411 of 2011

PETITIONER

Jagdev Singh Chandra (in transfer order wrongly mentioned Jagdev Prasad Chandra), S/o Late Shri Chaturbhan Singh Chandra, aged about 52 years, Upper Division Teacher, posted at Government Middle School, Bhutha, Block-Malkharoda, District-Janjgir-Champa (C.G.)

6854/2011
A.S. Registrar
20/10/2011
P.R. No. 6854/2011
Presented by A.S. Registrar
20/10/2011

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through the Secretary, Department of School Education, D.K.S. Bhawan, Raipur (C.G.).
2. The Collector, Janjgir, District-Janjgir-Champa (C.G.)
3. District Education Officer, Janjgir-Champa, District- Janjgir-Champa (C.G.)
4. Block Education Officer, Malkharoda, District- Janjgir-Champa (C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 6411 of 2011

PETITIONER : Jagdev Singh Chandra.
VERSUS
RESPONDENTS : State of Chhattisgarh & Others.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri A.S.Rajput, Advocate for the petitioner.
Shri Arun Sao, Government Advocate for the State/respondents

ORDER (ORAL)

(Passed on 31st day of October, 2011)

1. Challenge in this petition is to the order dated 10.10.2011 (Annexure P/4) passed by the District Education Officer, District Janjgir-Champa, whereby, the order dated 15.07.2011 (Annexure P/2) transferring the petitioner from Middle School, Bhutha to Middle School Pakariya, has been amended and the petitioner has been transferred to Middle School, Nawagaon Pakariya, Block Akaltara.
2. Earlier, by order dated 15.07.2011 (Annexure P/2) passed by the competent officer i.e. the Collector, Janjgir-Champa, the petitioner was transferred from Middle School, Bhutha to Middle School Pakariya, on administrative grounds. In the said order, the designation of the petitioner was shown as Head Master, though he was working as Upper Division Teacher. The State Government, realizing the mistake that the Head Masters of Middle School, being class II officers, could not be transferred under the transfer policy dated 13.06.2011, cancelled the transfer of the Head Masters by order dated 19.08.2011 (Annexure P/3).
3. In case of the petitioner, since the petitioner was shown as Head Master in the order dated 15.07.2011 (Annexure P/2), though he was an Upper Division Teacher, a correction was made by the impugned order dated 10.10.2011 whereby he was shown as Upper Division Teacher and in place of Pakariya, he was transferred to

Nawagarh Pakariya. There is no breach of statutory order, notification or rules and as such, no interference is warranted. It appears to be a case where on account of some clerical mistake occurred earlier, the impugned order was necessitated to be passed whereunder the place was also changed.

4. It is well-settled that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency and for asking even for small deviation, there should not be any interference with the administrative function of the State Government.
5. This Court has limited jurisdiction to interfere with the transfer matter except in the cases of proved *mala fide*, non-competence of authority passing the transfer order and not being in conformity with the rules and regulations. The petitioner/employee cannot be permitted to remain at one place forever. Under the provisions of service rules, employer has all the powers to post an employee at a particular place in view of public interest and administrative exigency. (See *E.P.Royappa v. State of Tamil Nadu and another*¹, *Union of India and another v. Janardhan Debanath & another*², *State of M.P. and another v. S.S.Kourav and others*³ and *Mohd. Masood Ahmad v. State of U.P. & Others*⁴).
6. In view of the above, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit

¹ (1974) 4 SCC 3

² (2004) 4 SCC 245

³ (1995) 3 SCC 270

⁴ (2007) 8 SCC 150