

Single Bench

**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT  
BILASPUR (C.G.)**

**Writ Petition (S) No. 3755 of 2014**

**PETITIONER**

Smt. Anjali Patel wife of Shri  
Buddheshwar Patel, aged about  
26 years, posted as Assistant  
Teacher (Panchayat) at Primary  
School, Kokobhata, Police  
Station and Tahsil-Pithora,  
District-Mahasamund (C.G.)

**VERSUS**

**RESPONDENTS**

1. State of Chhattisgarh  
Through the Secretary,  
Panchayat and Rural  
Development Department,  
Mahanadi Bhawan, Mantralaya  
New Raipur, District- Raipur  
(C.G.)
2. The Secretary, School Education  
Department, Government of  
Chhattisgarh, Mahanadi  
Bhawan, Mantralaya New  
Raipur, District- Raipur (C.G.)
3. The Chief Executive Officer, Zila  
Panchayat Mahasamund,  
District-Mahasamund (C.G.)
4. The Block Education Officer,  
Pithora, District-Mahasamund  
(C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA**

1 **PARTICULARS OF THE PETITIONER :-**

As stated above in cause title.

2. **PARTICULARS OF THE RESPONDENTS :-**

As stated above in cause title.

*Amzhe*



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**HIGH COURT OF CHHATTISGARH : BILASPUR**

**W.P.(S) No.3755 of 2014**

**PETITIONER**

Smt. Anjali Patel

Versus

**RESPONDENTS**

State of Chhattisgarh & Others

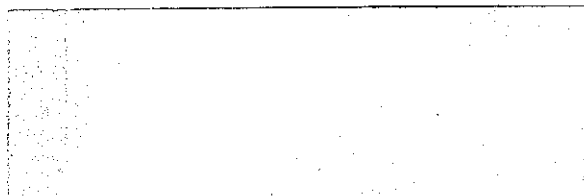
Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

Present :- Shri S.S. Rajput, counsel for the petitioner.  
Shri Y.S. Thakur, Dy. Adv. General for the State.

**ORAL ORDER**

(Passed on this 31st day of July, 2014)

1. With the consent of learned counsel appearing for the parties, the petition is heard finally.
2. Challenge in this petition is to the order dated 21-7-2014 (Annexure – P/1) by which the petitioner has been transferred from Kokobhatha to Arand.
3. Learned counsel for the petitioner would submit that the impugned order has been passed against the rationalisation policy. There is no complaint against the petitioner. Without there being any administrative exigency the petitioner has been transferred. The petitioner is not a surplus employee. Thus, the impugned order may be quashed.
4. Learned counsel for the State would oppose the prayer made in the writ petition.
5. It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order unless there is malice, infringement of statutory rules and regulations. The employee may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the Government to post another person if any vacancy arises on account of transfer/posting of an employee. (See *E.P. Royappa*



*v. State of Tamil Nadu and another*<sup>1</sup>, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*<sup>2</sup>, *State of M.P. and another v. S.S. Kourv and others*<sup>3</sup>, *Mohd. Masood Ahmad v. State of U.P. & Others*<sup>4</sup> *Chief Commercial Manager, South Central Railway, Secunderabad & Others v. G. Ratnam & Others*<sup>5</sup> and *Airports Authority of India v. Rajeev Ratan Pandey & Others*<sup>6</sup>).

6. In view of the above, the writ petition is liable to be and is hereby dismissed at the motion stage itself.
7. However, considering the fact that the petitioner is raising personal difficulties in carrying out transfer order and for the fact that those difficulties should be addressed before the employer rather than before this Court and the transfer policy dated 5-6-2014 itself provides for an internal remedy by constituting a State level committee of Senior Secretaries as mentioned in para 6 of the said policy, liberty is granted to the petitioner to file a fresh representation within a period of 15 days from today and, in turn, the committee shall consider and decide the same as early as possible, in accordance with law and on its own merits.

**Sd/-**  
**Prashant Kumar Mishra**  
**Judge**

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1 1974 (4) SCC 3  
 2 (1991) Supp 2 SCC 659  
 3 (1995) 3 SCC 270  
 4 (2007) 8 SCC 150  
 5 (2007) 8 SCC 212  
 6 (2009) 8 SCC 337