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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 5707 OF 2014.

PETITIONER

Narayan Singh Kovachi. S/o.
Late Shri Dhansai Kovachi.
aged about 45 years, Upper
Division Teacher, R/o Village-
Bhanupratap-pur, Post &
Thana- Bhanupratap-pur,
District-North Baster, Kanker.
(C.G.).

VERSUS

RESPONDENTS

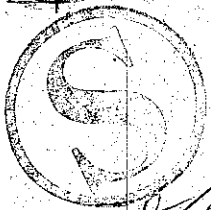
- : 1. State of Chhattisgarh,
Through : The Secretary,
Scheduled Tribes and Scheduled
Cast, Development, Department,
Mahanadi Bhawan, New Raipur
(C.G.).
2. The Chief Executive officer. Zila
Panchayat, Kanker.
District-North Baster, Kanker
(C.G.).
3. Assistant Commissnor, Triable
Welfare Department, Kanker.
District-North Baster, Kanker
(C.G.)



4. The Block Education Officer.

Block- Bhanupratap-pur, District-
North Baster, Kanker (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक...WPS.No.5707/...सन् 2014

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>S.B: HON'BLE SHRI JUSTICE SANJAY K. AGRAWAL 31.10.2014</p> <p>Mr. Somkant Verma, counsel for the petitioner. Mr. Prasun Bhaduri, Govt. Advocate for the State.</p> <p>(1) By this petition, the petitioner challenges the order dated 24-07-2014 by which he has been transferred from Government Middle School, Mulla to Government Middle School, Chichgaon.</p> <p>(2) Learned counsel for the petitioner would submit that the petitioner has been transferred considering him as English Teacher whereas the petitioner is an Arts teacher. Thus, the impugned transfer order being illegal, arbitrary and contrary to the current rationalization policy may be quashed.</p> <p>(3) 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 employees 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 <i>E.P. Royappa v. State of Tamil Nadu and another</i>¹, <i>Shilpi Bose (Mrs.) and others v. State of Bihar & another</i>², <i>State of M.P.</i></p>	
	<p>¹ 1974 (4) SCC 3 ² (1991) Supp 2 SCC 659</p>	



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....सन् 201

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>and another v. S.S. Kourv and others³, Mohd. Masood Ahmad v. State of U.P. & others⁴, Chief Commercial Manager, South Central Railway, Secunderabad & others v. G. Ratnam & others⁵ and Airports Authority of India v. Rajeev Ratan Pandey & others⁶).</p> <p>(4) Therefore, considering the limited scope of interference under Article 226 of the Constitution of India and for the fact that the petitioner is raising issues concerning violation of policy/guidelines as well as his/her own personal difficulties, the writ petition is disposed of reserving liberty to the petitioner to file a fresh representation before the competent authority within a period of 15 days from today and, in turn, the competent authority shall consider and decide the same as early as possible, preferably within a period of four weeks, in accordance with law and on its own merits.</p> <p>(5) For a period of four weeks, the effect and operation of the impugned transfer order dated 24-07-2014, in respect of the petitioner shall remain stayed.</p>	
	<p>³ (1995) 3 SCC 270 ⁴ (2007) 8 SCC 150 ⁵ (2007) 8 SCC 212 ⁶ (2009) 8 SCC 337</p>	

Sd/-
Sanjay K. Agrawal
Judge