

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1613 of 2023**

- Jafrin Khan W/o Mr. Aslam Khan Aged About 36 Years Presently Posted As Teacher Govt. Higher Secondary School, Chhurikala, Block- Katghora, District- Korba Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through- The Secretary, School Education Department, Mantralaya Mahanadi Bhawan, Naya Raipur, Atal Nagar, Raipur District- Raipur Chhattisgarh
2. Committee Of Senior Secretaries State Of Chhattisgarh Department Of General Administration Ministry, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh
3. Under Secretary, School Education Department State Of Chhattisgarh, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur District- Raipur Chhattisgarh.
4. Girija Mahendra Presently Posted As Teacher Govt. Higher Secondary School, Khadgawan, Block- Sankul Khadgawan, District - Korea Chhattisgarh

**---- Respondents**

For Petitioner : Shri Mateen Siddiqui, Advocate  
For Respondents ; Ms Hamida Siddiqui, Dy AG

**Hon'ble Shri Justice Parth Prateem Sahu**

**Order on Board**

**28.02.2023**

1. Heard.
2. Challenge in this petition is to the recommendation dated 22.12.2022 passed by the Committee constituted under Transfer Policy, recommending rejection of representation submitted by petitioner, as also order of transfer dated 30.09.2022, whereby petitioner, who is presently posted as Lecturer in Government Higher Secondary School, Chhuri, Block-Khatghora, district-Korba, is transferred to Government Higher Secondary School, Simga, Block-Podi Uproada, district-Korba on administrative ground.
3. Learned counsel for petitioner would submit that petitioner's child is studying in Class-V in New Era Progressive School, Rampur, Korba. Transfer of petitioner is in the midst of academic session; her in-laws are suffering from medical ailments and petitioner is the only person to take care of them. Aggrieved by her order of

transfer, petitioner filed WPS-7344 of 2022 which was disposed of by this Court vide order dated 15.11.2022 directing petitioner to submit representation before the Committee constituted under Transfer Policy, to be decided within the specified time and till decision on representation, interim protection was also ordered. Petitioner submitted representation raising all grounds as raised in writ petition, however, the Committee has not considered the grounds raised in representation in objective manner and recommended for rejection of representation mechanically.

4. Learned counsel for the State opposes submission of counsel for petitioner and would submit that Committee considered all the grounds raised in representation and recommended for rejection of representation. Petitioner is a government servant holding transferable post and she cannot claim to remain posted at a particular place for indefinite period. Petitioner is transferred within the same district.

5. Heard learned counsel for the parties.

6. Grievance of petitioner is against her transfer. Petitioner is holding transferable post. It is not the submission of counsel for petitioner that petitioner has been transferred before completion of her tenure to be considered for her transfer. She is transferred within the district. So far as the ground raised by counsel for petitioner that she is transferred in midst academic session, and her child is studying Class-V, looking to the Class in which child of petitioner is studying, and the date on which petition came up for hearing, transfer order at this stage cannot be interfered with on this ground. Academic session starts from April every year and as of now, February is almost over and academic session is also going to end soon. Therefore, this ground as of now, would not be a good ground at this stage to interfere with order of transfer. Transfer is an exigency of service

and order of transfer can be interfered only on limited ground where there is specific pleading that transfer is a result of *mala fide* or the authority issued transfer order is having no jurisdiction. None of these grounds are raised in this petition.

7. Hon'ble Supreme Court in cases of **Shilpi Bose (Mrs.) and Ors. Vs. State of Bihar and Ors.** 1991 Supp (2) SCC 659, **Punjab and Sind Bank and Ors Vs. Durgesh Kuwar** (2020) 19 SCC 46 and **Union of India and Ors. Vs. S.L. Abbas** (1993) 4 SCC 357, considered the issue.

8. In case of **Shilpi Bose** (supra), Hon'ble Supreme Court has held as under:

“4. In our opinion, the Courts should not interfere with a transfer Order which are made in public interest and for administrative reasons unless the transfer Orders are made in violation of any mandatory statutory Rule or on the ground of malafide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer Orders issued by the competent authority do not violate any of his legal rights. Even if a transfer Order is passed in violation of executive instructions or Orders, the Courts ordinarily should not interfere with the Order instead affected party should approach the higher authorities in the Department. If the Courts continue to interfere with day-to-day transfer Orders issued by the Government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest. The High Court overlooked these aspects in interfering with the transfer Orders.”

9. In view of aforementioned facts of the case and decisions of Hon'ble Supreme Court, I do not find any good ground to interfere with order of transfer.

10. Writ petition is accordingly dismissed.

Sd/-  
(Parth Prateem Sahu)  
JUDGE