



2026:CGHC:1318

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 106 of 2026

Ramsagar Singh Marke S/o Shri H.S. Marke Aged About 50 Years Working As Senior Agriculture Extension Officer, Office Of Deputy Director Agriculture Manendragarh, District Manendragarh- Chirmiri- Bharatpur Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Agriculture Extension And Farmer Welfare And Bio-Technology Department, Atal Nagar, Mantralaya New Raipur, District Raipur (C.G.)

2 - The Director Department Of Agriculture Block-2, Second Floor, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh

3 - Rajendra Patel Working As Senior Agriculture Extension Officer At Dabhra District Sakti Chhattisgarh

... Respondent(s)

For Petitioner : Mr. Shashi Kumar Kushwaha, Advocate

For State : Mr. Mayur Khandelwal, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

08/01/2026

1. Petitioner has filed this writ petition seeking following reliefs :



“(i) That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 19.09.2025 (Annexure P-1) and transfer order dated 30.06.2025 (Annexure P-2), in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to issue direction to the respondent authorities to allow the petitioner in present place of posting continuously, in the interest of justice.

(iii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Learned counsel for the petitioner submits that petitioner is holding the post of Senior Agriculture Development Officer who was posted in the office of Deputy Director Agriculture, District – Manendragarh-Chirmiri-Bharatpur and is transferred by impugned order dated 30.06.2025 (Annexure P-2) to Ramanujganj, District- Balrampur-Ramanujganj. He contended that transfer of petitioner is within period of 6 months of his joining at present place of posting and, therefore, transfer of petitioner is in contravention of the provision under Clause 3.9 of the Transfer Policy-2025 (Annexure P-4) which mandates that employee who has served less than one year of service at a particular place. Petitioner has submitted representation before the Committee constituted under transfer policy, however, representation submitted by petitioner is rejected vide order dated 19.09.2025 Annexure P-1 without assigning any reason and observing that transfer of petitioner is on administrative ground. Hence, there is non consideration of grounds raised by the petitioner.
3. Learned counsel for the State opposes submission of learned counsel for the petitioner and submits that earlier posting of petitioner in the



office of Deputy Director, Agriculture, District Manendragarh-Chirmiri-Bharatpur is a posting after promotion, hence, it cannot be said to be transfer. After holding post of Senior Agriculture Development Officer, it is the first transfer of petitioner. Petitioner being an employee of State Govt. cannot claim as a matter of right for his posting at a particular place and in the order of transfer it is clearly mentioned that transfer of petitioner is on administrative grounds.

4. I have heard learned counsel for the parties and perused the documents annexed along with writ petition.
5. Posting of petitioner on 31.12.2024 from office of Senior Agriculture Development Officer, Block -Bharatpur District Manendragarh-Chirmiri-Bharatpur to office of Deputy Director, Agriculture, Manendragarh-Chirmiri-Bharatpur is on account of his promotion from the post of Agriculture Development Officer to Senior Agriculture Development Officer. Posting of petitioner on the basis of order of promotion is not an order of transfer . Upon promotion on the post of Senior Agriculture Development Officer, petitioner has been transferred for the first time and therefore, transfer of petitioner cannot be said to be a frequent transfer. Petitioner is holding transferable post and transfer is an exigency of service.
6. Hon'ble Supreme Court in the case of **Shilpi Bose (Mrs.) and Ors. Vs. State of Bihar and Ors.** 1991 Supp (2) SCC 659 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.”

7. In the case of **Union of India and Ors. Vs. S.L. Abbas** (1993) 4 SCC 357, Hon'ble Supreme Court held thus:-

“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly, if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, the husband and the wife must be posted at the same place. The said guideline, however, does not confer upon the government employee a legally enforceable right.”

8. In the case of **Punjab and Sind Bank and Ors Vs. Durgesh Kuwar** (2020) 19 SCC 46, it was observed thus :-



“17. We must begin our analysis of the rival submissions by advertng to the settled principle that transfer is an exigency of service. An employee cannot have a choice of postings. Administrative circulars and guidelines are indicators of the manner in which the transfer policy has to be implemented. However, an administrative circular may not in itself confer a vested right which can be enforceable by a writ of mandamus. Unless an order of transfer is established to be malafide or contrary to a statutory provision or has been issued by an authority not competent to order transfer, the Court in exercise of judicial review would not be inclined to interfere. These principles emerge from the judgments which have been relied upon by the appellants in support of their submissions and to which we have already made a reference above. There can be no dispute about the position in law.”

9. Considering the aforementioned facts of the case and the decisions of Hon'ble Supreme Court as above, I do not find any good ground to interfere with the transfer order.
10. The petition is accordingly dismissed.

Sd/-

(Parth Prateem Sahu)

Judge