



2026:CGHC:2943



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 522 of 2026

- Mahesh Kumar Sahu S/o Late Ghanshyam Sahu Aged About 55 Years At Present Working On Post Of Revenue Inspector, Rnm Raipur-1, District Raipur, Chhattisgarh.

... Petitioner

versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Secretariat, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
2. Director Land Records, Chhattisgarh, Indrawati Bhawan, Block-2, First Floor, Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
3. Collector Raipur, District Raipur, Chhattisgarh.
4. Committee Of Senior Secretaries Constituted For Redressal Of Grievance Relating To Transfer Case Secretariat, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.

... Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Shobhit Koshta, Advocate.
For State/Respondents	:	Ms. Diksha Gouraha, P.L.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

19/01/2026

1. This petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

“10.1 That this Hon'ble Court may kindly be pleased to issue appropriate writ and direct the respondent authorities to quash the impugned transfer order dated 30.06.2025 (Annexure-P/2) qua the petitioner and impugned order dated 07.10.2025 in the interest of justice.



10.2 That, Hon'ble Court may kindly be pleased to call for the records relating to the petitioner candidature.

10.3 Any other relief which that Hon'ble Court deem fit and proper may also kindly be granted to the petitioner in the interest of justice."

2. Learned counsel for the petitioner submits that the petitioner is holding the post of Revenue Inspector has been transferred from the Office of Land Records, District Raipur (C.G.) to the Office of Land Records, District Sukma (C.G.). Petitioner has earlier submitted a representation before the committee constituted under the Transfer Policy, raising two specific grounds that his wife is posted as Lecturer in Government Higher Secondary School Boriyakala, District Raipur (C.G.). According to the policy formulated by the State Government, husband and wife as far as possible to be kept at one place. He next contended that petitioner is above 55 years of age, and therefore, also according to the policy formulated by the State Government dated 03.06.2015 (Annexure-P/4), he ought not to have been transferred to the difficult scheduled area. The committee has not considered the grounds raised in the representation, but has dismissed the representation in a mechanical manner, adopting casual approach.
3. Learned State counsel submits that petitioner is still 55 years of age, according to the details as mentioned in the cause title. She also submits that the policy formulated by the State Government is directory and is not mandatory. She further contended that it cannot be claimed as matter of right, and is not to be read as statute. Petitioner is holding the transferrable post and has completed the tenure for his transfer, and therefore, there is no error in the order of Transfer or the decision making process of the committee constituted under the Transfer Policy.



4. I have learned counsel for the parties and perused the documents annexed along with this petition.
5. To appreciate the submission of learned counsel for petitioner, perused the documents enclosed along with writ petition. Perusal of which would show that petitioner has not specifically stated as to when he was posted at the present place of posting and since when he was being working at Raipur or Raipur District. Perusal of transfer order Annexure-P/2 dated 30.06.2025 would show that along with petitioner 58 other similarly situated employees have also been transferred on administrative exigency. Petitioner is holding a transferable post, he cannot claim as a matter of right to be posted at a particular place. Petitioner has been transferred from one Office of Land Records to another Office of Land Records and he has been placed on the same post. Transfer of petitioner cannot be said to be a frequent transfer. Petitioner is holding transferable post and transfer is an exigency of service.
6. Further submission of counsel for petitioner that the according to Clause 3.13 of the Transfer Policy husband and wife, who are in Government service, are to be posted at one place, is also not sustainable because Clause 3.13 talks of if the wife/husband of a government servant requests a posting at the same station, efforts should be made to provide them with a posting at the same station, keeping administrative convenience and public interest in mind. No government servant will have the right to receive such a posting, but his/her request will be considered sympathetically by the department and a decision will be made.
7. Hon'ble Supreme Court in the case of **Shilpi Bose (Mrs.) & Ors Vs. State of Bihar & Ors. [(1991) Supp. (2) SCC 659]** has considered the issue with regard to transfer of the government servant and held thus:-

“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 over looked these aspects in interfering with the transfer Orders.”

8. In the case of **Union of India 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.”

9. In the case of **Punjab and Sind Bank and Ors Vs. Durgesh Kuwar [(2020)**

19 SCC 46], Hon'ble Supreme Court while considering the transfer of the

senior officer of different sector banking institution has observed thus :-



“17. We must begin our analysis of the rival submissions by adverting 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 mala fide 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.”

10. Petitioner could not able to make out a case that his transfer is in violation of statutory rules, or of mala fide. The policy framed for transfer is not to be read as statute. In the impugned order of transfer total 58 employees of the department have been transferred on administrative exigency.
11. Considering the aforementioned facts of the case, decisions of Hon'ble Supreme Court, I do not find any error in the dictum of the committee, so also any good ground to interfere with the order of transfer Annexure-P/2 so far as it relates to petitioner. Writ petition being *sans merit* is liable to be and is hereby dismissed accordingly.

Sd/-
(Parth Prateem Sahu)
Judge