



2026:CGHC:3122

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 578 of 2026**

1 - Hemant Kumar Sahu S/o Shri Gopiram Sahu Aged About 34 Years R/o House No. H-3, C.M.H.O. Office Premises, Seepat Road, Sarkanda, District Bilaspur C.G.

--- **Petitioner(s)****versus**

1 - State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur C.G.

2 - The Chief Medical And Health Officer, Bilaspur, District Bilaspur C.G.

3 - The Civil Surgeon, District Hospital, Bilaspur, District Bilaspur C.G.

4 - The Transfer Coordination Committee, Government Of Chhattisgarh, Atal Nagar, Nawa Raipur, District Raipur C.G. Through Its Secretary

--- **Respondent(s)**

For Petitioner	: Mr. K.K. Dewangan, Advocate
For Respondents/State	: Ms. Diksha Gouraha, Dy.G.A.

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****19/01/2026**

1. Petitioner has filed this petition seeking following relief (s):-

“10.1 That, the Hon'ble Court may kindly be pleased to issue an appropriate writ/order, thereby setting-aside/quashing the impugned recommendation dated 01.09.2025 and impugned order dated 26.06.2025 (Annexure P-1 & P-2) so far it relates to petitioner and further be please to direct the respondent authorities to allow the petitioner to continue at his present place of posting.



10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Learned counsel for petitioner submits that petitioner is posted as Medical Lab Technologist in District Hospital, Bilaspur, however, vide order dated 26.06.2025, he has been transferred to Primary Health Center Lemru, District – Korba. Against his transfer, petitioner has submitted representation before the Committee constituted under transfer policy, which came to be dismissed vide order dated 01.09.2025. He contended that the grounds raised in the representation has not been considered in appropriate manner and the representation has been rejected arbitrarily in mechanical manner.
3. Learned State opposes the submission of learned counsel for petitioner and would submit that transfer of petitioner is along with other employee within the State and as many as 31 employees have been transferred by order Annexure P-2 by the State Government including petitioner. She further contended that contents of the decision of the Committee it appears that Committee has taken into consideration the grounds raised by petitioner. He submits that circular of the State Government cannot be applied as statute and it is for the convenience of the State Government.
4. I have heard learned counsel for parties and perused the documents placed on record.
5. Perusal of transfer order Annexure P-2 dated 26.06.2025 would show that along with petitioner 31 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. Transfer of petitioner cannot be said to be a frequent transfer. Petitioner is holding transferable post and transfer is an exigency of service. The Committee constituted under transfer policy while deciding the representation submitted by petitioner has taken into consideration the grounds raised by petitioner and Grounds raised by the petitioner before the Committee were not found acceptable, and the representation submitted by the petitioner was recommended for rejection.

6. 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.”

7. 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.”

8. 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 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. 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 31 employees of the department have been transferred on administrative exigency.



10. Considering the aforementioned facts of the case, decisions of Hon'ble Supreme Court, I do not find 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

Balram