



2026:CGHC:15412

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 787 of 2026

1 - Vikas Verma S/o Lt. Shri Malik Ram Verma Aged About 41 Years R/o Vill. Kokdi, At Po District Gariyabandh C.G. Posted As Gramin Chikitsa Sahayak, O/o Prathmik Swasthya Kendra, Kosami, Development Block- Gariyaband, District- Gariyabandh (C.G.)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawn, Nawa Raipur (C.G.)

2 - Collector District- Gariyabandh (C.G.)

3 - Chief Medical And Health Officer District- Gariyabandh (C.G.)

4 - Block Medical Officer Block And District- Gariyabandh (C.G.)

5 - Shri Manoj Kumar Karsh Posted As Gramin Chikitsa Sahayak, O/o Prathmik Swasthya Kendra, Kosami, Development Block- Gariyaband District- Gariyabandh (C.G.)

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner : Mr. Raja Sharma, Advocate

For Res./State No.1 to 4 : Ms. Sakshi Bajpai, P.L.

For Respondent No.5 : Mr. Tapan Kumar Chandra, Advocate

Hon'ble Shri Justice Parth Prateem Sahu
Order On Board

02/04/2026

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

“10.a) Allow the instant petition with consequential relief.

10.b) Quash the impugned order Kramank/Sthaa/2025/67 Dated 14.01.2026 passed by Chief Medical & Health Officer, District – Gariyaband CG QUA Petitioner (Annexure P-1).

10.c) Grant such as may be deemed fit and proper.”
2. Learned counsel for petitioner submits that petitioner is holding the post of Rural Medical Assistant and posted at Primary Health Center, Kosmi, Block Gariyaband is transferred to Primary Health Center Jhakarpara, Block Devbhog vide order dated 14.01.2026. Order of transfer is passed only to accommodate respondent No.5. He contended that when the case came up for hearing on the first date, this Court has taken into consideration the suffering of the mother of petitioner with paralysis while passing interim order of status quo in favour of petitioner. Petitioner since the date of his posting is continuously posted in Primary Health Center, Kosmi, Block Gariyaband even today petitioner is working at Primary Health Center, Kosmi, Block Gariyaband. It is contended that respondents/State along with reply has submitted the letter written by the members of the Village Panchayat to plead that there are complaint against petitioner and therefore, he has been transferred. He submits that from the same letter, it is appearing that this allegation has been leveled against petitioner, only to post respondent No.5 in place of petitioner as in the letter they have named respondent No.5 to be posted at

Primary Health Center, Kosmi, Block Gariyaband. He also submits that though the private respondents has joined at Primary Health Center, Kosmi, Block Gariyaband, however, petitioner is still working at Primary Health Center, Kosmi, Block Gariyaband and has not been relieved pursuant to the order of transfer dated 14.01.2026.

3. Learned counsel for respondents/State submits that order of transfer of petitioner is based on the complaint made by villagers of his misbehavior and not performing his duties properly. The complaint is forwarded to the personal secretary of the minister upon which order of transfer is passed. The order of transfer is purely on administrative ground. She referred to the documents enclosed along with reply i.e. letter written by Village Panchayat Amadi, Block Gariyaband.
4. Learned counsel for respondent No.5 also opposes the submission of learned counsel for petitioner and would submit that pursuant to the order of transfer, respondent No.5 has already joined on 16.01.2026 and is working. Respondent No.5 is also drawing salary from Primary Health Center, Kosmi, Block Gariyaband.
5. I have heard learned counsel for parties and perused the documents placed on record.
6. Challenge in this petition is to the order of transfer dated 14.01.2026 (Annexure P-1), whereby petitioner has been posted in place of respondent No.5 and respondent No.5 is posted in place of petitioner by transfer. Reply filed by respondents/State is that order of transfer is passed only on the basis of some complaint received. Copy of complaint is placed along with reply as Annexure R-1. Perusal of the complaint would show that though complaint has been made by

Village Panchayat Amadi, Village Panchayat Darripara and further the joint complaint made by Sarpanch of Village Panchayat Amadi, Darripara and Kosmi to the Collector to be verbatim same. From perusal of the complaint would show that even the language used in the compliant is one and same and it appears to be prepared by only one person. If at all there is complaint against petitioner of his misbehavior and not discharging his duties properly then prayer of the villagers would be only to shift the petitioner from present place of posting and to post other Rural Medical Assistant, whereas, complaint would show that there is demand of Sarpanch of the Village Panchayat's for posting of a particular Rural Medical Assistant i.e. respondent No.5.

7. No document is placed along with reply to show that the respondent State at any point of time issued show cause or call any explanation on any complaint against petitioner.
8. In the reply filed by the State it is appearing that decision to transfer the petitioner has been taken based on the compliant forwarded to the local minister. From which it is appearing that transfer of petitioner is not in administrative exigency but due to political interference, which in the opinion of this Court is not permissible.
9. It is settled law that if a government servant is to be transferred, then he/she can be transferred on administrative exigency by superior officer under whom the employee is working and not under the indulgence or the directives of the political persons.

10. For the foregoing discussion I am of the view that petitioner has made out a case to interdict the order of transfer dated 14.01.2026 (Annexure P-1).
11. In a result, this writ petition is allowed, transfer order of petitioner dated 14.01.2026 (Annexure P-1) is hereby quashed. Consequence to follow.

Sd/-
(Parth Prateem Sahu)
Judge

Balram