



2026:CGHC:17726-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 302 of 2026**

Smt. Arti Tirkey W/o Ajay Pratap Tigga Aged About 37 Years Presently
Working As Staff Nurse, Community Health Center Kunkuri District-
Jashpur (C.G.)

... Appellant(s)**versus**

1. State of Chhattisgarh Through- The Secretary Health and Family Welfare Department Mantralaya Atal Nagar, Nava Raipur District- Raipur (C.G.)
2. Commissioner Cum Director Health Services Indrawati Bhawan Atal Nagar, Nava Raipur District- Raipur (C.G.)
3. Collector Jashpur District- Jashpur (C.G.)
4. Divisional Joint Director Health Services Surguja Division- Ambikapur (C.G.)
5. Chief Medical and Health Officer Jashpur District- Jashpur (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Kaushal Yadav, Advocate.
For Respondent/State	:	Mr. Prasun Bhaduri, Deputy Advocate General.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

20.04.2026

1. Heard Mr. Kaushal Yadav, learned counsel for the appellant. Also heard Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State.
2. The present intra-Court appeal has been preferred by the appellant/writ petitioner against the order dated **20.01.2026** passed by the learned Single Judge in **WPS No. 470 of 2026 (*Smt. Arti Tirkey vs. State of Chhattisgarh & Others*)**, whereby the writ petition filed by the appellant came to be dismissed.
3. Learned counsel for the appellant submits that the appellant is presently working as a Staff Nurse and, vide order dated 30.06.2025, she has been transferred from Community Health Center, Kunkuri to Primary Health Center, Sulesa, Block Bagicha, District Jashpur. He further submitted that the post of Staff Nurse is a divisional level post and the appointing authority of the appellant is the Divisional Joint Director, Health Services, Surguja Division, Ambikapur. As per the applicable transfer policy, the Collector is competent to transfer only district-level Class-III and Class-IV employees. Since the appellant is a divisional level employee, the impugned transfer order issued by the Collector is without jurisdiction and contrary to the transfer policy. He



also submitted that under the Chhattisgarh Health and Family Welfare Department Non-Ministerial Paramedical and Nursing (Directorate Health Services) Class-III Service Recruitment Rules, 2013 (for short, 'Rules of 2013'), the appointing authority for the post of Staff Nurse is the Divisional Joint Director, Health Services of the concerned division, and therefore, the impugned order is illegal, arbitrary and unsustainable in law.

4. Learned counsel for the appellant further contended that the appellant had earlier preferred a writ petition being WPS No. 7781/2025 before this Hon'ble Court, which was disposed of vide order dated 18.07.2025 directing the appellant to submit a fresh representation before the High Power Transfer Committee, to be decided objectively and by a reasoned order within a stipulated period, and further directing that no coercive steps be taken against the appellant in the meantime. Pursuant thereto, the appellant submitted a detailed representation on 21.07.2025 raising all relevant grounds, including that the transfer order was contrary to the transfer policy and that the appellant's husband is a government employee posted in District Jashpur on the post of Assistant Grade-II. However, it is submitted that the High Power Transfer Committee, without properly considering the grounds raised, rejected the representation vide order dated 01.09.2025.

5. It is also contended by the learned counsel, appearing for the appellant that the appellant has personal difficulties, inasmuch as her minor daughter is studying in Nursery and her examinations are



scheduled in February, 2026. Further, the appellant has given birth to a girl child on 22.10.2025, and therefore, the transfer at this stage causes grave hardship. He further submits that the recommendation dated 01.09.2025 was communicated to the appellant only through an order dated 09.09.2025, which was received by her on 07.01.2026 through ordinary post, causing considerable delay and prejudice.

6. It is further submitted that while rejecting the representation of the appellant, no valid or cogent reasons have been recorded, which is in violation of the settled legal position as laid down by this Hon'ble Court in earlier decisions. It is also pointed out that till date the appellant has not been relieved from her present place of posting.

7. In light of the aforesaid facts and circumstances, learned counsel for the appellant submits that the impugned order passed by the learned Single Judge dated 20.01.2026 is liable to be set aside as being illegal, arbitrary and contrary to law.

8. *Per contra*, learned State counsel submits that the impugned transfer order has been passed strictly in accordance with the Transfer Policy, 2025 and does not suffer from any illegality or arbitrariness. It is contended that as per Clause 1.2 of the Transfer Policy, the Collector is competent to effect transfers of employees within the district, subject to prior approval of the Incharge Minister. It is further submitted that in the present case, such approval was duly obtained prior to issuance of the transfer order dated 30.06.2025. He further submits that the appellant was afforded an opportunity to submit a representation pursuant to the



order passed by this Court in the earlier writ petition, and the same has been duly considered and rejected by the High Power Transfer Committee. It is thus contended that no interference is warranted.

9. Having heard learned counsel for the parties at length and upon perusal of the material available on record, this Court finds that the principal contention raised on behalf of the appellant is with regard to the alleged lack of jurisdiction of the Collector to pass the transfer order in respect of a divisional cadre employee.

10. On a careful consideration of the Transfer Policy, 2025, particularly Clause 1.2 thereof, it is evident that the Collector has been vested with the authority to transfer employees posted within the district from one establishment to another, subject to prior approval of the Incharge Minister. From the record, it is further apparent that while issuing the transfer order dated 30.06.2025, the Collector had duly obtained the approval of the Incharge Minister, thereby complying with the requirements of the Transfer Policy.

11. Insofar as the contention of the appellant regarding the post being a divisional cadre post and the appointing authority being the Divisional Joint Director, Health Services is concerned, the same does not, by itself, denude the Collector of the authority conferred under the Transfer Policy, 2025, particularly when the transfer is within the same district and has been effected in accordance with the prescribed procedure.

12. This Court also finds that the appellant had earlier approached this Court and was granted liberty to submit a representation before the



High Power Transfer Committee. The said representation has been duly considered and rejected. Merely because the decision is not favourable to the appellant would not be a ground for interference, unless it is shown to be arbitrary or in violation of statutory provisions, which is not the case here.

13. The personal difficulties as highlighted by the appellant, though sympathetic, cannot be a determinative factor to interfere with an order of transfer, which is otherwise found to be in accordance with law and policy. It is well settled that transfer is an incidence of service and scope of judicial interference in such matters is limited.

14. In view of the aforesaid analysis, this Court is of the considered opinion that the learned Single Judge has rightly appreciated the facts of the case as well as the applicable policy and has not committed any error in dismissing the writ petition.

15. Accordingly, the writ appeal being devoid of merit deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice