



2026:CGHC:14885



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2875 of 2026**

Jagdish Chandra Panda S/o Shri Ramesh Chandra Panda Aged About 48
Years Pharmacist, C H C Bhairamgarh, District Bijapur, Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, Public Health And Family
Welfare, Mantralaya At Mahanadi Bhawan, Atal Nagar, Naya Raipur, District
Raipur Chhattisgarh

2 - The Transfer Committee Through Secretary, General Administration
Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Naya Raipur,
District Raipur Chhattisgarh

3 - The Collector Bijapur, District - Bijapur Chhattisgarh

4 - The Chief Medical And Health Officer Bijapur, District Bijapur Chhattisgarh

5 - Shri Aseem Adhikari Presently Posted As Pharmacist At C H C
Bhopalpatnam, Bijapur, District Bijapur Chhattisgarh

... Respondents

For Petitioner	:	Mr. Tanmay Thomas, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer



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

01.04.2026

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

‘10.1 This Hon’ble Court may kindly be pleased to issue writ of appropriate nature to quash/st aside the impugned order dated 01.09.2025 (Annexuer P-1) for being unlawful and arbitrary.

10.2 This Hon’ble Court may kindly be pleased to issue writ of appropriate nature to quash/set aside the impugned transfer order dated 30.06.2025 (Annexuer P-2) to the extent of transfer of the petitioner for being unlawful and arbitrary.

10.3 That, the Hon’ble Court may kindly be pleased to direct the respondents to pay the salary which is unpaid till date to the petitioner along with interest.

10.4 That, the Hon’ble Court may kindly be pleased to grant any other relief which this Hon’ble Court may deem fit and appropriate.

10.5 Cost of the petition may also be given.”

2. Learned counsel for petitioner submits that petitioner is holding the post of Pharmacist at Community Health Centre, Bharaimgarh, District Bijapur, C.G. However vide order dated 30.06.2025 he was transferred to Community Health Centre, Bhopalpatnam, District- Bijapur, C.G. Aggrieved by the transfer order petitioner has submitted representation before the committee constituted under the Transfer Policy which was



rejected without considering the grounds raised by petitioner in his representation in an appropriate manner, and therefore, the recommendation made by the committee as also the order of transfer vide Annexure P-1 and Annexure P-2 respectively be quashed. He further submits that petitioner is suffering with heart disease which was not at all considered, respondent no. 5 who has been transferred at the place of petitioner has been permitted to work at earlier place of posting by Chief Medical Health Officer and therefore, there is no vacant place available for petitioner to join.

3. Learned counsel for the State opposes the submission made by learned counsel for petitioner and further submits that petitioner has been transferred on administrative grounds and therefore, the committee constituted under the Transfer Policy has rightly not interfered with the transfer of petitioner. He also submits that Chief Medical Health Officer vide Annexure P-12 has temporarily permitted respondent no. 5 to work at his earlier place of posting. The order of transfer has not been canceled.
4. I have heard learned counsel for the respective parties and perused the documents enclosed along with this writ petition.
5. It is not pleaded in the writ petition that petitioner has not completed minimum tenure as fixed by the State Government for considering a government employee for their transfer, and therefore, it is to be presumed that petitioner has completed the tenure fixed by the State Government for consideration of an employee for his/her transfer. The order of transfer of petitioner clearly shows that the petitioner has been transferred on an administrative ground.



6. Hon'ble Supreme Court in the case of **Shilpi Bose (Mrs.) and Ors. Vs. State of Bihar and Ors.** reported in **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 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 enforced 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.”



9. In the aforementioned facts of the case and the decisions of Hon'ble Supreme Court in aforementioned cases, transfer of petitioner is on administrative ground and the jurisdiction of this Court in exercise of its powers under Article 226 of the Constitution of India is limited, I do not find any good ground to interfere with the order of transfer dated 30.06.2025 passed by respondent no. 3.
10. So far as the second ground raised by counsel for petitioner in this petition that respondent no. 5 who has been transferred in place of petitioner is permitted to work in his earlier place of posting i.e. at Community Health Centre, Bhopalpatnam, perusal of Annexure P-12 would show that considering the application made by respondent no. 5 that he is suffering with some heart disease, he was temporarily permitted to work, therefore, it is not the case that transfer of respondent no. 5 is canceled and because of which, he is permitted to continue at the earlier place of posting.
11. For the forgoing discussion, I do not find any good ground to interfere with the order of transfer, hence this writ petition is liable to be and is hereby **dismissed**.
12. So far as the relief claimed by learned counsel for petitioner to direct the respondents to pay the salary which is unpaid till date to petitioner along with interest, this Court is of the considered opinion that it is for the competent authority to consider and take decision upon the same.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
Judge