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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4294 of 2026**

Hardik Selarka S/o Shri Dinesh Selarka Aged About 35 Years Post-Hospital Coordinator Abpmjay, Distt. Bilaspur (Cg) R/o Geetanjali Nagar Lane No 5 Next To Sri Sai Hosiery Old Bus Stand Bilaspur (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhavan, Naya Raipur, Atal Nagar, Raipur, Distt. Raipur (C.G.)

2 - Commissioner Health Services-Cum-Chief Executive Officer, State Nodal Agency, Directorate Of Health Services, 4th Floor, Sector-19, North Block, Atal Nagar, Naya Raipur, Distt. Raipur (C.G.)

3 - Chief Medical And Health Officer National Health Insurance Scheme, District Health Committee, Distt. Bilaspur (C.G.)

4 - Project Director (Operations) State Nodal Agency, Directorate Of



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Health Services, 4th Floor, Sector- 19, North Block, Atal Nagar, Naya
Raipur, Distt. Raipur (C.G.)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) : Ms. Neeta Tulsani, Advocate
For Respondents/State : Shri Suyashdhar Badgaiya, Govt.
Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

15.06.2026

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

"(i) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to produce all the relevant records relating to case of the petitioner before this Hon'ble Court for its kind perusal.

(ii) That this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction, thereby quashing and setting aside the impugned order dated 6.5.2026 (Annexure P/5) issued by respondent No.4/Project Director (Operations), State Nodal Agency, CG.

(iii) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction,



thereby directing the respondents to allow the petitioner to continue his duties at the present place of posting i.e. Bilaspur.

(iv) That this Hon'ble Court may further be pleased to grant any other relief as may be deemed fit and proper in the given facts and circumstances of the case including cost of litigation.

2. At the very outset, learned counsel appearing for both the parties would fairly and jointly submit that the issue involved in this writ petition has already been considered and decided by this Court vide judgment dated **12.05.2026** passed in **WPS No. 4121/2026 (Amit Patel vs. State of Chhattisgarh & Others) & other connected matter** wherein this Court held as under:-

7. "It is an admitted fact that pursuant to the selection process conducted by the respondent authorities, the petitioners participated and selected on contractual basis on the post as mentioned in the above chart. It is also not in dispute that from the date of their appointment i.e. since last 8-9 years, they are rendering their services at the same place of posting. Looking to the hefty requirement of manpower in the Health Department of the State, the meeting of the State Nodal Agency (Governing Body) convened on 04/11/2025 and passed the following resolution in respect of Agenda No.12.



प्रस्ताव:- राज्य नोडल एजेंसी छ.ग. अंतर्गत जिला स्तर पर कार्यरत मानव संसाधन के स्थानांतरण के संबंध में निर्णय।

निर्णय:- अधिशासी समिति द्वारा निर्णय लिया गया कि, राज्य नोडल एजेंसी, छ.ग. अंतर्गत जिला स्तर पर एक ही स्थान पर विगत 05 वर्षों से अधिक समय तक कार्यरत मानव संसाधनों के कार्य मूल्यांकन के आधार पर सेवा-वृद्धि, इसी शर्त के आधार पर होगी कि इनकी पदस्थापना उसी जिले में नहीं की जावेगी।

8. By referring resolution passed by the State Nodal Agency, in respect of Agenda No.14, petitioners would submit that since there is no policy in respect of human resource, leave, increments etc, they cannot be posted in other district is concerned, merely on the basis of absence of a particular policy with regard to pay and allowances and other emoluments, the petitioners cannot claim that they cannot be posted in other district.

9. Considering the various aspects of the matter and looking to the whopping requirement of health services in the State, the governing body of the State Nodal Agency passed the unanimous resolution that those who have completed five years of service, at the district level, their services will be extended with the condition that they shall not be posted in the same district. The said decision taken by the Governing Body is a policy decision, which cannot be interfered with by exercising the power conferred under Article 226 of the Constitution of India.

10. In **State of Uttar Pradesh and Others v. Rakesh Kumar Keshari and Another (2011) 5 SCC 341**, the Supreme Court has considered the scope of judicial review in matters considered and decided by the executive authorities on subject, which falls within their exclusive domain. The Supreme Court in paras 27, 28 & 29 held thus :

27) Allowing the appeal filed by the State this Court in Johri Mal case has held that for a public law remedy enforceable under



Article 226 of the Constitution, the actions of the authority need to fall in the realm of a public law--be it a legislative act of the State, an executive act of the State or an instrumentality or a person or authority imbued with public law element.

28) This Court in Johri Mal case has further held that the question is required to be determined in each case having regard to the nature of and extent of authority vested in the State. After holding that the power of judicial review is not intended to assume a supervisory role or don the robes of the omnipresent, this Court has, in terms, ruled that the power of judicial review is not intended either to review governance under the rule of law nor do the Courts step into the areas exclusively reserved by the Constitution to the other organs of the State and has further cautioned that the Court shall not ordinarily interfere with a policy decision of the State.

29) The Court in Johri Mal case also held that the decisions and actions which do not have adjudicative disposition would not strictly fall for consideration before a judicial review court. According to this Court the limited scope of judicial review is:

- (i) Courts, while exercising the power of judicial review, do not sit in an appeal over the decisions of administrative bodies;
- (ii) A petition for judicial review would lie only on certain well-defined grounds;
- (iii) An order passed by an administrative authority exercising discretion vested in it, cannot be interfered in judicial review unless it is shown that exercise of discretion itself



was perverse or illegal;

(iv) A mere wrong decision without anything more is not enough to attract the power of judicial review;

(v) The supervisory jurisdiction conferred on a Court is limited to seeing that the Tribunal functions within the limits of its authority and that its decisions do not occasion miscarriage of justice; and

(vi) the Court shall not ordinarily interfere with a policy decision of the State.

11. As far as transfer/posting of an employee from one place to another is concerned, in the matter of **Union of India and others v. S.L.. Abbas reported in (1993) 4 SCC 357**, it has been observed by the Supreme Court that transfer/ posting is an incidence of Government service. Who should be transferred where is a matter for the appropriate authority to decide. Unless the order of transfer/ posting is vitiated by mala fides or is made in violation of statutory provisions, the Court cannot interfere with it. Therefore, this Court does not find illegality or infirmity in the order passed by the learned Single Judge.

12. For the foregoing and considering the limited scope of interference available to this Court under Article 226 of the Constitution of India in matters where the decision has been taken by an expert statutory body, this Court does not find any good ground to interfere in the matter.

*13. Accordingly, all the writ petitions are **dismissed**."*

3. Learned counsel would further submit that since the facts and issue involved in the present case is identical to that of **WPS No. 4121/2026 & other connected matter**, this



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petition may also be dismissed in the same terms.

4. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this petition is identical to **WPS No. 4121/2026 & other connected matter**, this Court deems it appropriate not to take a view other than what has been taken in **WPS No. 4121/2026**
5. Accordingly, the present petition is **dismissed** in terms of the order dated **12.05.2026** passed in **WPS No. 4121/2026**.

Sd/-

(Bibhu Datta Guru)
Judge

Shoaib