



2026:CGHC:39447-DB



CGHC010329882026



2026:CGHC:39447-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 817 of 2026**

Ku. Ranjita Kerketta W/o Pardeshiya Kerketta Aged About 34 Years
Occupation - Assistant Teacher (L.B.), Government Primary School
Gangdeyi, Block Division Korba District Korba Chhattisgarh

... Appellant**versus**

1 - State of Chhattisgarh Through The Secretary School Education
Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District
Raipur Chhattisgarh

2 - Director Public Instruction Directorate, Chhattisgarh First Floor, C-
Block Indiravati Bhavan, Naya Raipur, District Raipur Chhattisgarh

3 - Joint Director Education Department Bilaspur, District Bilaspur
Chhattisgarh

4 - Collector Korba District Korba Chhattisgarh

5 - District Education Officer Korba, District Korba Chhattisgarh

6 - Sub-Divisional Magistrate (Revenue) Korba, District Korba
Chhattisgarh

7 - Block Education Officer Korba, District Korba Chhattisgarh

8 - Secretary, District Rationalization Committee (District Education
Officer) Korba, District Korba Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellant	: Mr. Nikhil Wadhwani, Advocate
For State/Respondents	: Mr. Prasun Kumar Bhaduri, Deputy Advocate General



Hon'ble Shri Krushna Ram Mohapatra, Chief Justice
Hon'ble Shri Sanjay Kumar Jaiswal, Judge

Judgment on Board

Per Krushna Ram Mohapatra, Chief Justice

09.09.2026

1. Heard Mr. Nikhil Wadhwani, learned counsel for the Appellant as well as Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing for the State/Respondents.
2. The Appellant in this intra-Court appeal seeks to assail the order dated 20.07.2026 passed by the learned Single Judge in Writ Petition (S) No. 4948 of 2025.
3. The factual background of this case relevant for adjudication of this appeal is that the Appellant (Writ Petitioner) filed Writ Petition(S) No. 4948 of 2025 assailing the order of transfer dated 31.05.2025, whereby she has been transferred to a place 65 Kms. away from her place of posting. Initially, the learned Single Judge, while entertaining the Writ Petition, granted interim protection to the Appellant. In due course, the Writ Petition was listed on 27.02.2026 (Annexure A/3), on which date the Court directed the State-Respondents to file reply to the Writ Petition. Thereafter, the Writ Petition was subsequently listed on 20.07.2026, on which date the Writ Petition filed by the Appellant was dismissed, relying upon the observations made in the judgment dated 18.09.2025 passed in Writ Appeal No. 674 of 2025 (***Shashi Shrivastava v. State of Chhattisgarh and others***).



4. Mr. Wadhvani, learned counsel for the Appellant submits that in direction of the learned Single Judge on 20.07.2026 to the State-Respondents to file a reply was not complied with and without taking note the same, the Writ Petition was dismissed. It is further submitted by learned counsel that the Appellant does not challenge the observation made by the learned Single Judge in paragraph-5 of the impugned order. He, however, reiterates that, had the reply by the State-Respondents been filed, the outcome of the Writ Petition would have been different. He, therefore, prays for setting aside the impugned order (Annexure A/1).
5. Mr. Bhaduri, learned Deputy Advocate General, appearing for the State/Respondents submits that although no written reply was filed by the State, but they relied upon the judgment passed in **Shashi Shrivastava** (supra). He also drew attention of the Court to the relevant portion of the order passed in **Shashi Shrivastava** (supra), which reads as under:-

“8.Even otherwise, Teacher Rationalization Instructions are mere guidelines. It may not supplant the general powers of the employer, provided under the statutory service rules, i.e. to post a person at a place in the public interest and in administrative exigency. It is a trite law that transfer/posting is an incidence of service, the Court should not interfere with the transfer/posting order, unless there is malice. infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in the public interest and administrative exigency. It is not a case of proved mala fide, lack of competence of the officer passing the transfer order or infraction of any statutory Rules and Regulations.”

6. Mr. Bhaduri, learned Deputy Advocate General, further submits that the learned Single Judge, considering the facts and circumstances of the case and upon perusal of the materials on



record, came to a categorical conclusion that the facts and circumstances involved in the writ petition were identical to those in **Shashi Shrivastava** (supra). Since the Appellant does not challenge the order of transfer on the ground of malice or in violation of the provisions of law, and also does not dispute the observation made in paragraph-5 of the impugned order, the Writ Appeal merits no consideration.

7. Heard learned counsel appearing for the parties and perused the materials on record placed before us.
8. It is apparent from the materials on record that the order of transfer passed by the authorities was challenged by the Appellant in Writ Petition (S) No. 4948 of 2025. Further, vide order dated 27.02.2026, the learned Single Judge directed the State-respondents to file a reply to the Writ Petition.
9. In fact, no written reply to the Writ Petition was filed by the State-Respondents. The State-Respondents, however, relied upon the judgment passed in **Shashi Shrivastava** (supra) and took a plea that the facts and circumstances of the said case were akin to those in the Writ Petition. Learned counsel for the Appellant also does not dispute the same. He also does not dispute the observations/findings of the learned Single Judge at paragraph-5 of the impugned order. His only plea was that, had the reply been filed by the State-Respondents, the outcome of the writ petition would have been different. Learned counsel for the Appellant, however, does not demonstrate the circumstances, which would



have come to light if a reply to the Writ Petition been filed.

10. The direction of the learned Single Judge vide order dated 27.02.2026 to file a reply was impliedly complied with by the State-Respondents by producing the judgment passed in **Shashi Shrivastava** (supra). The observations made in the said case, as quoted supra, clearly laid down the law dealing with an order of transfer. The learned Single Judge, taking note of the same, came to pass the impugned order.
11. On perusal of the impugned judgment passed in **Shashi Shrivastava** (supra), as well as the materials on record, we find that the observations made therein are similar to that of the Writ Petition filed by the Appellant. Hence, we find no infirmity or perversity in the impugned order. As such, the writ appeal merits no consideration. Hence, the same stands **dismissed**.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice