



2026:CGHC:4075



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6808 of 2022

- Dr. Rahul Verma, S/o Late Shri Anil Chandra Verma, Aged About 37 Years, Presently Posted And Working As Dental Medical Officer, District Hospital, Bilaspur, Chhattisgarh.

... **Petitioner****versus**

1. State Of Chhattisgarh, Through Its Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, P.S. Rakhi, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Commissioner Health Services, Chhattisgarh, Raipur, District Raipur, Chhattisgarh.
3. Director Health Services, Chhattisgarh, O/o Directorate, Indrawati Bhawan, P.S. Rakhi, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.
4. Dr. Neha Agrawal, Dental Medical Officer, District Hospital Raipur (C.G.).

... **Respondents**

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Y. C. Sharma, learned Senior counsel and Mr. Rajeev Shrivastava, learned Senior counsel along with Mr. Rahul Ambast, Advocate.
For State/Respondents No.1 to 3	:	Mr. Rohitashva Singh, Deputy G.A.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

23/01/2026

1. Heard.
2. Initially, this writ petition was filed by the petitioner under Article 226 of the Constitution of India, challenging the Transfer Order dated 30.09.2022 (Annexure-P/1), whereby the petitioner, who was posted as 'Dentist' at



District Hospital, Bilaspur (C.G.) has been transferred to the District Hospital, Kabirdham (C.G.) on an administrative exigency.

3. Learned counsels for the petitioner would submit that vide an order dated 16.08.2021 (Annexure-P/4), the petitioner, who was working as 'Dentist' in Community Health Centre Kasdol, District Balodabazar (C.G.) at that point of time was transferred to District Hospital, Bilaspur (C.G.). In compliance of the said order, the petitioner joined the services at District Hospital Bilaspur (C.G.). Within a very short span of time of about less than 1 year 1 month, the impugned order was passed. They further submit that impugned order was passed only to accommodate respondent No.4. Later on, impugned order dated 30.09.2022 (Annexure-P/1A) was challenged by way of an amendment, by which respondent No.4, who vide order (Annexure-P/4) initially earlier transferred from District Hospital Bilaspur (C.G.) to District Hospital Raipur (C.G.) and her transfer order was cancelled and she was posted on the same post, i.e., 'Dentist' District Hospital Bilaspur (C.G.). They further submit that this fact came to the knowledge to the petitioner, subsequently, thus, it was necessary to amend the prayer clause, challenging the Annexure-P/1A. They further submit that impugned Transfer Order Annexure-P/1 was passed only to accommodate respondent No.4. They further submit that impugned Transfer Order is in breach of transfer policy of State. Thus, impugned order Annexure-P/1A and Annexure-P/1 is liable to be set aside.
4. Learned State counsel submits that the submission made by the learned senior counsels for the petitioner is misplaced. The petitioner was initially transferred from Kasdol to Bilaspur vide transfer order dated 16.08.2021 (Annexure-P/4), is subsequent transfer order is under challenge, which was passed on 30.09.2022 after lapse of more than 1 year. Thus, it cannot be said that impugned transfer order was passed only to accommodate respondent No.4. Even otherwise, he submits that transfer is an exigency of



service and barring oral submissions of the petitioner, there is nothing on record that impugned transfer order Annexure-P/1 was passed only to accommodate respondent No.4.

5. I have heard learned counsel for the parties and perused the documents annexed along with this writ petition.
6. Hon'ble Supreme Court in the case of **Union of India and Others Versus S.L. Abbas**, reported in (1993) 4 SCC 357 observed that an order of transfer is an incident of Government service. Who should be transferred where, is a matter of appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the Court cannot interfere with it. In the case of **S K Nausad Rahaman Versus Union of India**, reported in (2022) 12 SCC 1, Hon'ble Supreme Court has held as under -

“24 First and foremost, transfer in an All India Service is an incident of service. Whether, and if so where, an employee should be posted are matters which are governed by the exigencies of service. An employee has no fundamental right or, for that matter, a vested right to claim a transfer or posting of their choice.

25 Second, executive instructions and administrative directions concerning transfers and postings do not confer an indefeasible right to claim a transfer or posting. Individual convenience of persons who are employed in the service is subject to the overarching needs of the administration.”

7. This Court vide its order dated 31.10.2022 maintained the 'status quo' till the next date of hearing. On last date of hearing, notice issued to respondent No.4 returned unserved, this Court directed the State counsel to apprise this Court the present place of petitioner and respondent No.4. On instructions, learned State counsel submits that the petitioner and respondent No.4 both are working at District Hospital Bilaspur (C.G.).



8. Normally, this Court would not interfere in the transfer order, which has been passed on administrative exigency until the transfer order falls within the parameters, which have been laid down in the catena of judgment as quoted above. However, the fact remains that petitioner at the strength of the interim order, had continued remained posted at District Hospital, Bilaspur for more than 3 years. The exigency, which has been shown in the Annexure-P/1 has lost its significance. Thus, instead of keeping this writ petition pending, this writ petition is disposed of with an observation that respondents shall not act upon Annexure-P/1 in respect of the petitioner. As the petitioner has performed his duties at the present place of posting at District Hospital Bilaspur for more than 3 years at the strength of interim order passed by this Court, state is at liberty to pass a fresh order of transfer in case of any exigency or eventuality arises.
9. The prayer is also made to quash the Annexure-P/1A and submission is also made that Annexure-P/1A has been issued only to accommodate respondent No.4. Annexure-P/1A was passed on 30.09.2022 after one year of transfer of petitioner to Bilaspur vide Annexure-P/4. Even otherwise, nothing is on record to suggest that it has been passed only to accommodate respondent No.4. Thus, this Court is not inclined to set aside Annexure-P/1A.
10. With the aforesaid observations and directions, the instant writ petition stands disposed of.
11. Interlocutory application(s), pending if any, also stand disposed of.

Sd/-
(Sachin Singh Rajput)
Judge