



2026:CGHC:2592

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 12328 of 2025

1. Dr. Yashwant Dahariya S/o B.R. Dahariya Aged About 44 Years Veterinary Assistant Surgeon, Block Masturi, District Bilaspur (C.G.)

... Petitioner

versus

1. State Of Chhattisgarh Through- The Secretary, Veterinary Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)
2. High Power Transfer Committee General Administration Department, Through Its Secretary, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)
3. Deputy Secretary Veterinary Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)
4. Director Veterinary Services, Indrawati Bhawan, Naya Raipur, District- Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. CJK Rao, Advocate
For Respondents	:	Mr. Arham Siddiqui, Panel Lawyer

SB: Hon'ble Mr. Justice Parth Prateem Sahu

Order on Board

20/01/2026

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



- “10.1. That, this Hon’ble Court may kindly be pleased to issue a writ of mandamus setting-aside the order dated 10.10.2025 (Annexure P/1) and recommendation dated 01.09.2025 (Annexure P/2).
- 10.2. That, this Hon’ble Court may kindly be pleased to issue a writ of mandamus setting-aside the order dated 30.06.2025 (Annexure P/3) whereby the petitioner has been transferred to Block Orchha, District Narayanpur.
- 10.3. That this Hon’ble Court may kindly be pleased to allow the petitioner to work in the present place of posting i.e. Block Masturi, Bilaspur (CG).
- 10.4. That this Hon’ble Court may kindly be pleased to grant any other relief as it deems fit and appropriate.”
2. Learned counsel for petitioner submits that petitioner, who is working as Veterinary Assistant Surgeon and posted in Block Masturi, District Bilaspur, has been transferred to Block Orchha, District Narayanpur vide order dated 30.6.2025. Transfer order was put to challenge by petitioner by filing WPS No.7444/2025, which was disposed of vide order dated 18.7.2025 by directing respondent authorities to consider representation to be submitted by petitioner against his transfer and be further directed that till decision on representation, no coercive steps be taken against petitioner. Representation submitted by petitioner was rejected vide order dated 10.10.2025. He submits that though the Committee has taken note of the grounds mentioned in representation, but not dealt with them and rejected the representation mentioning that there is no violation of any clause of transfer policy. Order rejecting representation of petitioner



against his transfer is a non-speaking order, hence, liable to be interdicted.

3. Learned counsel further submits that children of petitioner are studying in Class 2nd and 8th and academic sessions will come to an end by 31.3.2026. If the petitioner is compelled to join at the transferred place during mid-academic session, studies of his children will be adversely affected. Petitioner is having responsibility to take care of his parents who are suffering from various age old ailments and regularly taking treatment from a hospital in Bilaspur. He further submits that wife of petitioner is also working as Lecturer and posted at Government High School, Hirri, therefore, it will not be feasible for her to take care of children and old parents of petitioner. He further submits that the Committee constituted under the Transfer Policy while considering similar grievance of one Dr. Ram Ottalwar, who was having responsibility of old parents, has interdicted his transfer order and recommended for accepting representation submitted by him.
4. On the other hand, learned counsel for State would submit that petitioner is a government servant, holding transferable post, hence, he has no vested right to remain posted at one place and can be transferred from one place to other. Transfer order of petitioner is issued by competent authority on administrative exigency, hence, it does not call for any interference.
5. Heard learned counsel for parties and perused the documents



annexed along with writ petition.

6. It is well understood that transfer of a government servant, who is appointed to a particular cadre of transferable post from one place to another, is a normal incidence of service and such employee cannot claim, as a matter of right, that he/she should be retained in a particular place as long as he/she desires. The interference with the same is only required when the same smacks of mala fide or in violation of any statutory rule.

7. In case of **Gujarat Electricity Board v. Atmaram Sungomal Poshani** reported in **1989 AIR 1433** Hon'ble Supreme Court has observed as under:-

"Transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the another is an incident of service. No Government servant or employee of public undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in the matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration."

8. In the case of **Union of India v. S.L. Abbas**, reported in **(1993) 4 SCC 357**, it was observed thus:

9. "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 any statutory provisions,
the court cannot interfere with it....."

10. In case of **Mohd. Masood Ahmad v. State of U.P. and others**, reported in **(2007) 8 SCC 150**, Hon'ble Supreme Court has observed as under:

11. "4.Since the petitioner was on a transferable post, in our opinion, the High Court has rightly dismissed the writ petition since transfer is an exigency of service and is an administrative decision. Interference by the courts with transfer orders should only be in very rare cases. As repeatedly held in several decisions, transfer is an exigency of service .."

12. In case of **Rajendra Singh and others v. State of Uttar Pradesh and others**, reported in **(2009) 15 SCC 178**, it was held thus:

"8. A government servant has no vested right to remain posted at a place of his choice nor can he insist that he must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to the other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No Government can function if the government servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he



desires [see State of U.P. v. Gobardhan Lal, (2004) 11 SCC 402; SCC p. 406, para 7).”

13. Recently, in SLP (Civil) No.36717/2017 (Namrata Verma Vs. State of U.P. and others), decided on 06.09.2021, Hon'ble Supreme Court has held that;

"it is not for the employee to insist to transfer him/her and/or not to transfer him/her at a particular place. It is for the employer to transfer an employee considering the requirement.”

14. In the instant case, petitioner has not pleaded in writ petition that his transfer is vitiated by malafide or is made in violation of any mandatory statutory rules, twin grounds available for interference. Petitioner has been transferred from Block Mungeli, District Bilaspur to Block Orchha, District Narayanpur on administrative exigency. Petitioner has been posted at the present place of posting since last more than three years and thus completed his normal tenure. As such, he cannot say that he has been arbitrarily transferred. The petitioner has no right to remain posted at a particular place for indefinite period. Transfer being an incident of service and the order of transfer of petitioner having been issued in view of administrative exigency, this Court does not find any ground to interfere with the same. It is for the employer to consider which employee is to be posted at which place and this decision is not to be interfered by the Court unless shown



to be an act with *mala fide*. Transfer policy is not to be read as a statute. Hence, this ground raised by learned counsel for the petitioner for interdicting impugned order, is not sustainable.

15. Coming to ground raised by learned counsel for petitioner that children of petitioner are studying in school and petitioner is transferred in mid-academic session. As per pleadings made in writ petition and submission made by learned counsel for petitioner, children of petitioner are studying in a school in Bilaspur. Petitioner's wife is also in government service and can take care of her children. They can file joint application for their posting at same or nearby place, if they so desire.

16. For the foregoing reasons, I do not find any good ground to interfere with the transfer order of the petitioner. Accordingly, the writ petition being *sans merit* is liable to be and is dismissed.

17. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-