
(2013) 10 MP CK 0046
In the Madhya Pradesh High Court
Case No : Writ Petition 7619/13

Anand Prakash Singh Bhadauria

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 23-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0046

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : U.K. Bohre, for the Appellant; Sangeeta Pachori, Dy. G.A., for the Respondent

Final Decision : Dismissed

Judgement

Sujoy Paul, J.—Heard. The grievance of the petitioner is that he was transferred on own request by Annexure P-3 dated 7.9.2013. The petitioner was transferred from the office of Civil Surgeon, Datia to the office of C.M.H.O., Bhind. Petitioner is aggrieved by order Annexure P-1 whereby C.M.H.O., Bhind has posted the petitioner in Community Health Centre, Lahar.

2. Shri Bohre submits that this is impermissible. Petitioner's own request transfer for all practical purposes has to be treated to CMHO, Bhind and beyond that he should not have been posted.

3. The prayer is opposed by Mrs. Pachori, learned Dy. G.A.

4. I have heard the learned counsel for the parties.

5. The order Annexure P-3 makes it clear in column 5 that it is "proposed" posting. There is no enforceable right to be posted in C.M.H.O. Bhind only. The "proposed posting" means it was open to the C.M.H.O. to post the petitioner to a place within his jurisdiction as per administrative exigency. The petitioner by impugned order Annexure P-1 is given a proper posting in administrative exigency and in public interest. By this order no illegality is committed nor any

enforceable right of the petitioner is infringed. Administrative orders can be interfered with only when it is shown that any statutory, vested, fundamental or constitutional right of the petitioner is infringed. No such right is infringed by the impugned order. On the contrary, a combined reading of Annexure P-3 and P-1 shows that the petitioner is posted at Lahar in administrative exigency. No interference is warranted. Petition is merit-less and is hereby dismissed.