
(2020) 08 MP CK 0001
In the Madhya Pradesh High Court
Case No : Writ Petition No. 8850 Of 2020

Manni Lal Ahirwar

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 05-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 08 MP CK 0001

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Parag Tiwari, Jagat Singh

Final Decision : Dismissed

Judgement

In the instant petition filed under Article 226 of the constitution of India, a challenge has been made to the order dated 22.05.2020 (Annexure P-7), whereby the representation of the petitioner against the transfer order has been rejected.

Earlier the petitioner has filed a petition before this Court challenging the transfer order in W.P. No. 28776/2019. The said petition was disposed of

vide order dated 30.12.2019 with direction to the competent authority to consider and decide the representation of the petitioner against the transfer

order, thereafter, the respondents have passed the impugned order rejecting the representation of the petitioner.

Learned counsel for the petitioner submits that the rejection order is contrary to the transfer policy and it is further submitted that the transfer of the

petitioner is contrary to the guidelines issued by the Government.

Petitioner is posted at the present place of posting since 19 years and he has been transferred from present place of posting to the Government

Primary School, Phulaari, District Chhatarpur on the administrative exigency, which is reflected from the impugned order.

The petitioner has no legal right to continue at the present place of posting. Even otherwise, Law relating to scope of interference in the transfer

matter is no longer res integra, as held by the Supreme Court in the cases of Gujrat Electricity Board and another vs. Atmaram Sungomal Poshani,

(1989) 2 SCC 602; Union of India and others vs. S.L. Abbas, AIR 1993SC 244 and the judgment passed by the Division Bench of this Court in the

case of R.S.Choudhary vs. State of M.P. and others, 2007 (2) ILR MP Series 1329, the transfer is an incidence of service and the transfer order can

only be interfered by the Courts of law if the transfer is issued in violation of the statutory rules or the order suffers from malafide exercise of power.

In the instant petition the petitioner could not establish any breach of statutory Rule or a case of mala fide. The petitioner has failed to make out any

case warranting interference under Article 226 of the Constitution of India.

Hence the writ petition being devoid of merit is dismissed.