
(2007) 11 J&K CK 0011
In the Jammu And Kashmir High Court

Ramesh Kumari	Vs	APPELLANT
State and Others		RESPONDENT

Date of Decision : 06-11-2007

Acts Referred:

Citation : (2008) 1 JKJ 66

Hon'ble Judges : Nirmal Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Nirmal Singh, J.—Petitioner, a 3rd Officer, National Cadet Corps, and posted as a General Line Teacher in Government Girls High School,

Kachi Chowani, Jammu, has been transferred to Government Girls High School, Doomi, vide order No. CEOJ/20'190-91 dated 12th of Sept'07.

It is this order, which is the subject matter of challenge in the present petition.

2. The grievance of the petitioner is that she was posted in Government Girls High School, Kachi Chowani, keeping in view the interest of NCC

junior Division (Army Wing) which is not only beneficial for NCC unit but also for the cadets. It is stated that vide order impugned she has been

transferred to a Non-NCC Junior Division Institution. It is stated that the main role of the petitioner being a trained NCC Officer is to develop

leadership, character, manpower and officer like quality among the students enrolled in different institutions in order to enable them to be

commissioned in Armed Forces. It is thus stated that the school where the petitioner has been transferred is not having NCC Unit and therefore,

the services of the petitioner cannot be best utilized and it will not be in the interest of institution concerned.

3. After hearing learned Counsel for the petitioner, I am of the opinion that no interference is called for in the present petition.

4. Transfer is an exigency of service and this Court is normally not to interfere in transfer matters which are made in public interest or for

administrative reasons unless the transfer order is passed in violation of any mandatory rules or on the ground of malafide or if the said order is

passed by an incompetent authority. Reliance in this regard can be placed on the judgment of the Apex Court reported in Mrs. Shilpi Bose and

others Vs. State of Bihar and others, What was said in the aforesaid case in para 4 of the judgment is being reproduced below:

In our opinion, the courts should not interfere with a transfer order which are made in public interest and for administrative reasons unless the

transfer orders are made in violation of any mandatory statutory rule or on the ground of malafide. A Government servant holding a transferable

post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders

issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or

orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the Department. If

the courts continue to interfere with the day to day transfer orders issued by the Government and its subordinate authorities, there will be complete

chaos in the Administration which would not be conducive to public interest....

5. In the present case, the petitioner has not alleged any malafide against the authority who has passed the order impugned nor it is the case of the

petitioner that the order of transfer has been passed by an incompetent authority. Even though, the petitioner has stated that she being a trained

Associate NCC Officer has been transferred to a School having no NCC unit and therefore, her services cannot be best utilized, but I am of the

opinion that it is for the competent authority to see where an employee is to be posted. Petitioner in this regard cannot have any grievance and the

same cannot be looked into.

6. This petition, as such, is found to be without merit and is dismissed in limine.