

(2009) 01 RAJ CK 0010
In the Rajasthan High Court

State of Rajasthan

APPELLANT

Vs

Randheer Singh and Another

RESPONDENT

Date of Decision : 05-01-2009

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2009) 01 RAJ CK 0010

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur, J.—To assail validity, propriety and correctness of the judgment dt. 16.11.2006 passed by the Rajasthan Civil Services Appellate Tribunal, this petition for writ was filed on 26.07.2007. The Registry pointed certain defects in the petition and several opportunities were given to remove the same, but no steps have yet been taken by the petitioner to remove the defects so pointed out. Be that as it may, ignoring the defects pointed out by the Registry, I have examined merits of the case.

2. By the judgment impugned dt. 16.11.2006, learned Tribunal while accepting the appeal preferred by the respondent Government servant, set aside the order of transfer dt. 11.09.2004. Learned Tribunal in view of the decision of this Court in Banshilal Vs. State of Rajasthan and Others, held that the District Education Officer (Elementary) was not competent to pass such order of transfer. The judgment impugned clearly mentions that the order of transfer was in violation of mandatory provisions of Panchayati Raj Act and as such I do not find any error in that. No interference of this Court under Articles 226 and 227 of the Constitution, therefore, is warranted. The petition for writ, therefore, is dismissed. However, it shall be open for the competent authority to pass a fresh order of transfer in accordance with law, if administrative exigency so requires.