

(1982) 12 AHC CK 0017

In the Allahabad High Court

Case No : Writ Petition No's. 3956 and 4707 of 1981

Virpal Singh and Others

APPELLANT

Vs

U.P. State and Others

RESPONDENT

Date of Decision : 01-12-1982

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1982) 12 AHC CK 0017

Hon'ble Judges : K.S. Varma, J;K.N. Misra, J

Bench : Division Bench

Advocate : Q.U. Siddiqui, for the Appellant; D.S. Bajpai, for the Respondent

Judgement

K.S. Varma, J.—These petitions are directed against the impugned transfer orders whereby the Petitioners have been transferred from one district to another. The said orders of transfer have been challenged on the ground that they violate certain administrative directions. It would be unnecessary to go into the matter in detail as this Court has clearly held that administrative orders and directions cannot be the subject-matter of inquiry or challenge in a petition under Article 226 of the Constitution of India. In *Lakhan Singh v. State of U.P.* Writ Petition No. 3939 of 1981 this Court relying upon *Shanti Kumari v. Regional Dy. Director Health Services* AIR 1981 SC 1577 has held that orders of transfer are not open to challenge. In the said case, the Supreme Court declined to interfere with the order of transfer even though it was contrary to the State Government's directions. Relying upon the said decision, we held that the order of transfer did not call for interference by this Court.

2. During the course of arguments in these petitions the learned Counsel for the opposite parties Mr. D.S. Bajpai drew our attention to *Jogendra Mohanty v. State of Orissa* 1979(1) SLR 892. In this case the Orissa High Court has held that the administrative instructions indicating guide lines for administrative actions do not create rights in the officers and the order of transfer was upheld on the ground that such an order cannot be challenged on the ground of violation of

administrative directions. A Division Bench of this Court, in writ petition No. 5063 of 1982, has also held that administrative directions relating to transfer are not amenable to the jurisdiction of this Court under Article 226 of the Constitution of India and upheld the order of transfer. We have examined the line of reasoning adopted by the Division Bench in the said writ petition and we are in agreement with the said view.

3. Learned Counsel for the opposite parties conceded that representations have been made by the Petitioners Nos. 3 and 4 against the order of transfer. We called upon Mr. Bajpai to point out whether there is any statutory provision for asking representation. He stated that there was no such provision. In this view of the matter, it is not possible for us to issue a writ of mandamus directing the opposite parties to consider the representations made by the Petitioners. However, Mr. D.S. Bajpai, in all fairness, has conceded that the representations will nevertheless be considered and appropriate orders will be passed.

4. For the reasons stated above, the Petitioners are not entitled to get relief. The writ petitions fail and are hereby dismissed. There will, however, be no orders as to costs.