

**Deepak Kumar Vs. State of Jharkhand and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/515936](http://sooperkanoon.com/515936)

**Court :** Jharkhand

**Decided On :** Feb-07-2007

**Reported in :** [2007(2)JCR85(Jhr)]

**Judge :** N.N. Tiwari, J.

**Appellant :** Deepak Kumar

**Respondent :** State of Jharkhand and ors.

**Disposition :** Appeal dismissed

**Judgement :**

ORDER

**N.N. Tiwari, J.**

1. In this writ application, the petitioner has prayed for quashing the notification vide Memo No 3948, dated 30th December, 2006, whereby the petitioner has been transferred from the post of Assistant Engineer, MESO Area, Ranchi to the post of Assistant Engineer, MESO Area, Latehar. He has also prayed for quashing the notification vide Memo No. 3947, dated 30th December, 2006, whereby respondent No. 6 has been transferred as Assistant Engineer, MESO Area, Ranchi.

2. The grievance of the petitioner is that the petitioner has been transferred at the instance of the Minister, Human Resources Development Department, Government of Jharkhand, who has got no concern with the petitioner's department, and that the order of transfer has not been issued in accordance with law.

3. A counter affidavit has been filed on behalf of Respondent Nos. 2 and 4 stating inter alia, that the decision for transfer of the petitioner was taken by the concerned Establishment Committee, taking into consideration the news item published in the newspaper, and that the same has absolutely no nexus with any letter of the Minister, Human Resources. Development Department, Government of Jharkhand. It has been stated that the Minister has not even named the petitioner in the said letter and that nothing has been done at his instance.

4. On perusal of the aforesaid letter of the Minister, I find no mention of the name of the petitioner and there is no base to contend that the petitioner has been transferred at the instance of the said Minister.

5. The Supreme Court has repeatedly held that the order of transfer should not be ordinarily interfered with by the Court, as the transfer is an incidence of service, and the concerned department has to see, who is to be posted where.

6. In view of the above fact, I find no ground to interfere with the impugned transfer order. This writ application is, accordingly, dismissed.