

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE HIRDESH

ON THE 31st OF JULY, 2025

WRIT APPEAL NO. 2207 of 2025

DR. AKHILESH SHRIVASTAVA

Vs.

THE STATE OF MADHYA PRADESH & ORS.

APPEARANCE:

Shri MPS Raghuvanshi – Senior Advocate with Shri Ashwani Johri – Advocate for the appellant.

Shri Vivek Khedkar -Additional Advocate General/Senior Advocate with Shri Sohith Mishra – Government Advocate for the respondents/State.

JUDGMENT

Per: Justice Anand Pathak

1. The present appeal under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 is preferred by the appellant/petitioner being crestfallen by the order dated 11-07-2025 passed by learned Single Judge in Writ Petition No.25837 of 2025 whereby the petition preferred by the appellant (hereinafter referred to as “the petitioner”) has been disposed of with the direction to prefer representation before the respondents.
2. It is the submission of learned counsel for the petitioner that petitioner who is working as Senior Scientist (Home Science) has been transferred by respondent No.2 from Agriculture Science Centre, Aron District Guna to Agriculture Science Centre, Agar-

Malwa. According to petitioner he is in twilight zone of his retirement and having certain health issues also, despite that he has been transferred at about 400 kms. away from the present place of posting. Thus, the transfer order of petitioner is in blatant violation of Transfer Policy.

3. It is further submitted that learned Writ Court did not consider the plight of the petitioner and without considering the material aspects of the matter, dismissed the writ petition of petitioner. Thus, prayed for setting aside the impugned order.
4. Learned counsel for the respondents/State while supporting the order passed by learned Writ Court, opposed the prayer and submits that transfer is incident of service and the transfer order is based upon administrative exigency. Thus, prayed for dismissal of writ petition.
5. Heard learned counsel for the parties and perused the documents appended thereto.
6. Transfer is an incident of service. No one much less petitioner has any vested right to be posted at a particular place of posting. It is well settled in law that employer is the best judge to organize its work force and it is also well settled in law that a transfer order cannot be subjected to judicial review unless and until same is found to be influenced by *mala fide* or arbitrary exercise of powers which petitioner fails to do so. Concept of equality as enshrined under Article 14 and 16 of Constitution of India, has no application to the cases of transfers.
7. This is a case where petitioner sought the relief of setting aside of his transfer order mainly on the grounds that petitioner is going to retire within 16 months and transfer place is 400 kms. away from

the present place of posting. Scope of petition under Article 226 of the Constitution in the case of transfer is very limited, except on the ground of malafide or violation of any statutory provision. Such ingredients are absent in the case in hand rather Administrative Exigency persuaded the respondents to pass the transfer order of petitioner.

8. So far as the grievances of petitioner are concerned, learned Writ Court already given him liberty to represent his case before the competent authority. No other relief as granted by learned Writ Court, can be given to the petitioner.
9. Considering the rival submission and also the discussion surfaced in the impugned order as well as looking to the limited scope of interference in the cases of transfer, no case for interference is made out. Accordingly, the order passed by learned Writ Court is hereby affirmed and the writ appeal preferred by the appellants is hereby dismissed.
10. Appeal stands **dismissed**.

Anil*

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE