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WA-2996-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 14<sup>th</sup> OF JANUARY, 2026

WRIT APPEAL No. 2996 of 2025

*MAYA GUPTA*

*Versus*

*STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Anurag Singhal - Advocate for Appellant.*

*Shri Anubhav Jain - Government Advocate for Respondents/State.*

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ORDER

*Per. Hon'ble Shri Justice Vinay Saraf*

1. The instant intra court appeal is preferred by the appellant assailing the order dated 30.07.2025 passed by the learned Single Judge in WP No.36420 of 2024, whereby the writ petition preferred by the appellant challenging the order of transfer was dismissed.

2. Heard Shri Anurag Singhal, Advocate on the question of admission.

3. The short facts of the case are that the appellant is primary teacher and was posted at Shiksha Guarantee Shala, Prem Nagar under Sankul Kendra Girls Higher Secondary School Manhar, Panna and in the process of rationalization of the teachers, she was declared as surplus and transferred to UEGS Primary School, Simarkhurd District- Panna by order dated



06.09.2024, which was challenged by the appellant in WP No.27276 of 2024 on various grounds *inter alia* erroneously declaration of the appellant as surplus teacher. The petition was decided by learned Single Judge by order dated 18.09.2024 and liberty was granted to the appellant to prefer representation to the department and the department was directed to decide the representation in accordance with law expeditiously and till the representation is decided, the appellant was permitted to work at Government Primary School Prem Nagar, District-Panna.

4. Thereafter, the appellant submitted a representation on 23.09.2024, which was decided by Joint Director, Public Instruction Sagar Division Sagar by order dated 25.10.2024 and the representation was rejected. Once again, the appellant approached to this Court by preferring WP No.3642 of 2024 assailing the order dated 25.10.2024 by which the representation submitted by the appellant was rejected. Said petition is dismissed by the learned Single Judge vide order dated 30.07.2025 which is impugned in the instant intra court appeal.

5. Learned counsel for appellant submits that the appellant has been wrongly declared surplus teacher and on the web portal one Vijay Kumari has been shown to be surplus. He further submits that the appellant is working in the school since 2010 and Vijay Kumari is working since 2015. He further submits that the appellant has been transferred to school, wherein already three teachers are working against the sanctioned strength of two. He further submits that the competent authority has erroneously decided the representation submitted by the appellant and rejected the same. He prays for



quashment of the transfer order dated 06.09.2024.

6. After considering the facts and circumstances of the present case, we are of the view that the learned Single Judge has not committed any error in dismissing the writ petition preferred by the appellant who is working at the present place of posting since 2010. The reasons assigned by the appellant for cancellation of the transfer order are not helpful because it is for the employer to manage the posting of the employees as per administrative exigency. Transfer is an incidence of service and no transfer order can be quashed on the ground that the employee is transferred to a place where already sufficient persons are working. Employer is the best judge to take a decision in this regard and after due consideration, the Joint Director had passed the impugned order. The original transfer order was passed on 06.09.2024 and till today, despite lapse of one year four months, appellant has not joined at the transferred place and indulged in litigation. No ground for interference is made out as the order passed by the learned Single Judge is just and proper.

7. We are in full agreement with the findings recorded by learned Single Judge. Resultantly, the admission is declined. The appeal is dismissed in limine. No order as to costs.

(SANJEEV SACHDEVA)  
CHIEF JUSTICE

(VINAY SARAF)  
JUDGE