



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

BEFORE

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 19th OF MARCH, 2025

WRIT PETITION No. 9703 of 2025

DR. SMITA SINGH

Versus

***JAWAHARLAL NEHRU KRISHI VISHWAVIDYALAYA AND
OTHERS***

Appearance:

Shri Mrigendra Singh – Senior Advocate with Shri Jaydeep Kourav – Advocate for the petitioner.

Shri Praveen Dubey – Advocate for respondent 1.

ORDER

This writ petition has been preferred by the petitioner challenging the order dated 10/3/2025 (Annexure P/1), whereby petitioner, who was working as Subject Matter Specialist-Agronomy at Krishi Vigyan Kendra, Rewa, has been transferred from Krishi Vigyan Kendra, Rewa to Krishi Vigyan Kendra, Sidhi as well as order dated 10/3/2025 (Annexure P/2), whereby in supersession to Vishwa Vidyalaya order No.Estt.I/Agri.-SMS-38/412-413 dt. 23/05/2016, the salary of respondent 2-Dr. B.K. Tiwari, Subject Matter Specialist-Agronomy, Krishi Vigyan Kendra, Rewa (M.P.) has been ordered to be drawn from Krishi Vigyan Kendra, Rewa (M.P.) against the vacant post of Subject Matter Specialist, on administrative grounds.



2. Learned counsel for the petitioner submits that the petitioner has been transferred from Krishi Vigyan Kendra, Rewa to Krishi Vigyan Kendra, Sidhi only to accommodate respondent 2, who is working at Krishi Vigyan Kendra, Rewa for the last 9 years, however, during this period his salary was being drawn from Krishi Vigyan Kendra, Sidhi pursuant to order dated 23/5/2016 (Annexure P/5), and thus, the impugned transfer order (Annexure P/1) as well as order (Annexure P/2), whereby now the salary of respondent 2 has been ordered to be drawn from Krishi Vigyan Kendra, Rewa against vacant post of Subject Matter Specialist, are product of *malafide*. He submits that the petitioner's mother-in-law is suffering from cancer and has to undergo continuous dialysis and thus, she requires constant attention. He further submits that petitioner has also submitted a representation dated 11/3/2025 (Annexure P/7) to the respondent 1. With these submissions, learned counsel for the petitioner prays for allowing the writ petition and for quashing the impugned orders (Annexure P/1 and P/2).

3. *Per contra*, learned counsel for the respondent 1 submits that the impugned orders (Annexure P/1 and P/2) have been issued on administrative grounds by a competent authority. So far as submission of learned counsel for the petitioner that the impugned orders have been issued only to accommodate respondent 2 and the same are product of *malafide* is concerned, it is submitted by learned counsel for the respondent 1 that no specific allegation of *malafide* has been made by the petitioner against any authority by impleading him party in this writ petition and unless & until a person is



impleaded in his personal capacity, the allegation of *malafide* cannot be considered against him. He further submits that earlier vide order dated 7/3/2019 the petitioner herself was transferred to Rewa from Chhatarpur at her own request and now after completion of period of about 6 years, she has been transferred vide order (Annexure P/1) to Sidhi on administrative grounds. So far as ailment of the mother-in-law of the petitioner is concerned, it is submitted by learned counsel for the respondent 1 that no employee can claim to be posted at a particular place. With these submissions, he prays for dismissal of the writ petition. In support of his submissions he has placed reliance on a decision of Hon'ble Supreme Court in the case of Shilpi Bose (Mrs) and others Vs. State of Bihar and others, **1991 Supp (2) SCC 659** as well as on a decision of coordinate Bench of this Court in the case of Hanmat Singh Lodhi Vs. The State of M.P. and others in **Writ Petition No.26111/2023 decided on 3/11/2023**.

4. Heard learned counsel for the parties and perused the record.

5. So far as allegations of *malafide* are concerned, since the petitioner has not impleaded the authority, who has passed the impugned orders, in his personal capacity, therefore, the same cannot be considered. Perusal of the record shows that petitioner herself was transferred to Rewa from Chhatarpur vide order dated 7/3/2019 at her own request and at that time, respondent 2 was already posted at Rewa and now vide order (Annexure P/2) only the salary of respondent 2 has been ordered to be drawn from Rewa in place of Sidhi and thus, it cannot be said that the impugned orders (Annexure



P/1 and P/2) have been issued to accommodate the respondent 2. Transfer is an exigency of service and until & unless *malafides* are alleged by impleading the concerned authority as a party or it is pointed out that the transfer order has been issued by an incompetent authority, this Court cannot act as an Appellate Authority.

6. So far as the personal difficulties of the petitioner are concerned, it is for the employer to consider the said aspect. No one can claim that he / she should be posted at a particular place or he / she should not be transferred at all. Since, transfer is an exigency of service, therefore, no case is made out warranting interference in the matter.

7. So far as the representation made by the petitioner is concerned, the Division Bench of this Court in the case of Mridul Kumar Sharma Vs. State of MP and others, **ILR (2015) MP 2556** has held that mere filing of representation would not give rise to any substantive right and the representation cannot be directed to be decided unless and until the employee joins at his transferred place. Since the petitioner has not joined at her transferred place, therefore, no case is made out for directing the respondent/University to decide her representation.

8. With the aforesaid, the writ petition fails and is hereby **dismissed**.

9. Misc. application(s), pending if any, shall stand closed.

(DWARKA DHISH BANSAL)
JUDGE

Arun*