

Gujarat High Court

Yogita H Tulsian (Epidemic ... vs State Of Gujarat on 27 January, 2021

Bench: A.G.Uraizee

C/SCA/849/2021

ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 849 of 2021

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YOGITA H TULSIAN (EPIDEMIC MEDICAL OFFICER)

Versus

STATE OF GUJARAT

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Appearance:

MR RAJA RAM BAJPAI(7188) for the Petitioner(s) No. 1

S Z BARIA(7682) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3,4,5

MR KRUTIK PARIKH AGP (99) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE A.G.URAIZEE

Date : 27/01 / 2 0 2 1

ORAL ORDER

1. Heard Mr. Rajaram Bajpai, learned advocate for the petitioner and Mr. Krutik Parikh, learned AGP for the respondent Nos. 1 to 3.

2. In this petition under Article 226 of the Constitution of India, the petitioner, who is working as Epidemic Medical Officer has challenged her transfer order dated 14.12.2020 whereunder she is transferred to Community Health Centre, Kothamba, District Mahisagar from District Panchayat, Gandhinagar City in public interest.

3. Mr. Bajpai, learned advocate for the petitioner vehemently submits that in one year, the petitioner is transferred four times. It is further submission that the petitioner is the only doctor who possesses the qualification C/SCA/849/2021 ORDER of "Epidemic Intelligence Service Training" and her presence at the main centre is necessary in this hard days of raising Corona Epidemic. He further submits that the impugned transfer of the petitioner is actuated by malafides as she is made various complaint to the authorities including police against her colleague who is indulged into corrupt practice. He submits that the complaint of corruption ventilated by the petitioner are given wide coverage in printing media as well. He, further submits that the transfer of the petitioner is against the interest of public health. He, therefore, submits that the petition requires consideration.

4. On perusal of the impugned transfer order dated 14.12.2020 it is abundantly clear that the transfer of the petitioner is effected in public interest. Except producing newspaper cuttings and complaint dated 29.6.2020 addressed to the S.P. Gandhinagar by the petitioner, there is nothing on record to indicate that the transfer of the petitioner is actuated by malafides.

5. It is settled proposition of law that the Court should not interfere with the transfer order which is made under C/SCA/849/2021 ORDER public interest and for administrative reasons. The government servant holding the transferable post has no vested right to remain posted at one particular place and he is liable to be transferred from one place to another. The transfer is an incident of service and such transfer order issued by the competent authority in public interest and for administrative reason does not in any way violate any of the legal right or fundamental right of the government servant.

6. I am of the considered view that if the Court starts to interfere with the transfer order issued by the competent authority, same would cause hindrance in the administration which would not be conducive to public interest.

In view of above, when the impugned transfer of the petitioner is made in public interest and for administrative reason, I do not find any merits in the petition.

For the foregoing reasons, the petition lacks merit and do not deserve to be entertained and is dismissed at threshold.

(A.G.URAIZEE, J) SURESH SOLANKI