

Mohd. Mohsin

v.

State of U.P. & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE A.K. PATNAIK HON'BLE MR. JUSTICE RANJANA  
PRAKASH DESAI

Civil Appeal No. 5884-5885 Of 2012 (Arising Out Of Slp(Civil) No. 32468-32469 Of 2010)  
With Contempt Petition (C) No. 209-210 Of 2012 In Civil Appeals @ Slp(Civil) No. 32468-  
32469 Of 2010) | 14-08-2012

1. Leave granted.
  
2. This is an appeal against the order dated 30.4.2010 of the Division Bench of the Allahabad High Court, Lucknow in S.B. No. 247 of 2010. By the aforesaid impugned order, the Division Bench directed that the appellant and respondent no. 3 be shifted to different places at the earliest at a distance of 500 km from each other looking at a bickering between them.
  
3. After hearing learned counsel for the parties, we are of the considered opinion that transfer and postings are within the discretion of the Government. In case any party affected by the transfer order moves the High Court under Article 226 of the Constitution for relief, the High Court may consider the same on the ground of malafide or any other relevant ground but would normally not pass orders directing the State Government to post the parties to a writ petition at a distance of 500 km from each other to avoid bickering between them.
  
4. We, therefore, set aside the impugned order of the High Court and leave it to the State Government to issue appropriate posting orders in respect of the appellant.
  
5. The appeals are allowed.
  
6. The contempt petitions stands disposed of accordingly.