



2024:UHC:8674-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSB No.713 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> Mr. S.S. Yadav, Advocate for the petitioner. Mr. K.N. Joshi, Deputy Advocate General for the State of Uttarakhand 2. Petitioner is serving as Assistant Professor in Higher Education Department. He has challenged his transfer from Rudrapur, District Udham Singh Nagar to Dwarahat, District Almora. 3. The sole ground of challenge is that petitioner's wife is suffering from Tuberculosis, which is a 'serious ailment' as defined in the Transfer Act, therefore, petitioner could not have been transferred and his transfer is bad. 4. Learned State Counsel, however, points out that, pursuant to impugned transfer order, petitioner has joined at the transferred place, on 30.07.2024, and since then, he is serving at Dwarahat. He has drawn attention of this Court to Annexure No.4 to the writ petition. By referring to the said document, learned State Counsel submits that the Medical Certificate does not indicate that petitioner's wife is suffering from Tuberculosis and it only indicates that his wife was suffering from Tuberculosis sometimes in the past and now she has recovered and there are some complications, which still remain. Learned State Counsel also submits that



petitioner was given regular appointment as Assistant Professor in 2013 and since then, he is serving at Rudrapur, District Udham Singh Nagar, which is a sugam place, therefore, as per provisions of the Transfer Act, he has been transferred to Dwarahat, which although has been identified as a durgam place, but is also a place with good connectivity and all civic amenities. He submits that writ petition has been filed four months after joining of the petitioner at the transferred place. Learned State Counsel submits that anyone claiming benefit of provision contained in Section 3(c) of Transfer Act should have a Certificate issued by State Medical Board and he should have approached the Transferring Authority before issuance of the Transfer Order, but, however, petitioner is not having any Certificate issued by Medical Board, State or District.

5. Law is well settled that interference with the order of transfer has to be minimal. Petitioner has not challenged the transfer order on the ground of malice or violation of statutory provision. Thus, this Court does not find any reason to interfere in the matter.

6. Accordingly, the writ petition fails and is dismissed.

(Vivek Bharti Sharma, J.) (Manoj Kumar Tiwari, A.C.J.)
21.11.2024

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