

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No.706/2023
CM No.1676/2023

Mohd. Araf, Age 53 years
S/O Sh. Ahmad Din
R/O Dhanour Jarallan Rajouri-185113

..... Petitioner(s)

Through: None.

Vs

1. Union Territory of J&K through
Commissioner/ Secretary
School Education Department
Civil Secretariat, Jammu-180001
Ministry of Education, Email:-desk-jk@gov.in
2. Secretary, Board of School Education,
Jammu-180001

..... Respondent(s)

Through: Ms. Saliqa Sheikh, Advocate vice
Mr. Bhanu Jasrotia, Govt. Advocate for
respondent No.1.
Mr. B. S. Bali, Advocate for respondent No.2.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

02.07.2025

01. Petitioner, through the medium of this writ petition, seeks to quash Order No.63-B of 2023 dated 08.03.2023 issued by the respondent-Board with regard to the transfer of some officials, to the extent that the petitioner was transferred from Sub-Office, Rajouri to Personal Section of JS Examinations, Jammu Division.
02. It has been pleaded that the petitioner has been working as Chowkidar (Class-IV) in District Cadre Rajouri and that Circular No.F(Admn-B)CU/03 dated 12.06.2003 issued by the respondent-Board provided that every individual, who may opt for the District Cadre, shall have to work as Chowkidar during his/her entire service period at the opted place of

posting; that the petitioner vide Order No.643-B of 2003 dated 22.08.2003, on being regularized, was posted as Chowkidar in Sub Office, Rajouri and continues to be there since then, however, the respondent-Board has been making efforts to disturb the petitioner from his present place of posting by resorting to issuance of deployment and transfer orders; that the petitioner has been transferred vide impugned order to a place, about 150 kilometer away from his home place, which has caused difficulties for him being at a lowest rung of his service.

03. Pursuant to notice, the respondents filed objections to the petition, asserting therein that as per J&K Civil Services Classification and Control Appeal Rules, 1956, which are applicable to the respondent-Board as well, the Board has full powers to transfer and post any member of service or class of service as required by the respondent-Board in any part of the UT of J&K and that an employee has no vested right to claim his posting permanently at one place or station; that the petitioner has been at the present place of posting for almost two decades and as such, the petitioner was transferred to the Head Office at Jammu to discharge his duties there. It was prayed that the petition be dismissed so that the petitioner joins at Jammu office to discharge his duties in compliance to the impugned order.
04. The petitioner was transferred vide impugned order amongst other officials and posted as Chowkidar in the office of Personal Section of JS Examinations, Jammu Division. The petitioner has relied upon Circular No.F(Admn-B)CU/03 dated 12.06.2003 whereby on creation of posts of Chowkidars in the Sub Offices at Poonch, Rajouri, Kathua, Doda, Kupwara, Baramulla, Badgam, Anantnag, Pulwama and Divisional

Office, Srinagar, the consolidated workers in the Board were directed to float their consent as to whether they were willing to work as Chowkidars at the above stated places, with the further condition that every individual who may opt for the same shall have to work as Chowkidar during his/her entire service period at the opted place of posting. Consequent to the consent, the petitioner was appointed vide Order No.643-B of 2003 dated 22.08.2003 as Chowkidar and posted in Sub-Office, Rajouri. The respondents have not stated anything with regard to this Circular and instead taken a stand that the Board was within its competence to transfer the petitioner in terms of J&K Civil Services Classification and Control Appeal Rules, 1956.

05. There is no representation on behalf of the petitioner today and the order impugned had been passed more than two years back, and the petitioner due to intervention of this Court has been working at his earlier place of posting at Rajouri. In view of the fact that the Circular issued by the respondent-Board provided that those who on their option for being posted as Chowkidars shall be continued to be posted at their place of posting for their entire service, the respondents should have honoured the Circular issued by them, in view of the fact that the petitioner had on his regularization opted to be posted as Chowkidar in Sub Office, Rajouri. The petitioner is, otherwise, at the lowest rung of his service as Class-IV and for a person of his cadre receiving minimal salary, it is difficult for him to survive in the city of Jammu away, from his home place.
06. Having regard to the aforesaid observations, the petition is **allowed** and the impugned order is hereby quashed. The respondent-Board, however, shall be at liberty to consider further adjustment of the petitioner after

taking into account the Circular referred hereinabove and also the difficulties shown by the petitioner in his representation for recalling of the impugned order.

07. The Writ Petition is, thus, disposed of as allowed, alongwith connected CM(s).

(M A Chowdhary)
Judge

Jammu
02.07.2025
Narinder

