



2025:UHC:5962-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND
HON'BLE SRI JUSTICE ALOK MAHRA

10TH JULY, 2025

WRIT PETITION (S/B) No. 229 OF 2025

Ravi Shankar Jha Petitioner
Versus
State of Uttarakhand and another. ...Respondents
WRIT PETITION (S/B) No. 230 OF 2025 (2)

Gurpreet Singh Petitioner
Versus
State of Uttarakhand and another. ...Respondents
WRIT PETITION (S/B) No. 243 OF 2025 (3)

Dr. Ram Nayan Maurya Petitioner
Versus
State of Uttarakhand and another. ...Respondents
&

WRIT PETITION (S/B) No. 249 OF 2025 (4)
Ramesh Chandra Bhatt Petitioner
Versus
State of Uttarakhand and another. ...Respondents

Counsel for the petitioners. : Mr. Yogesh Pacholia, Mr. Sagar Malara
and Mr. Saurabh Budhori, learned
counsel.
Counsel for the respondents. : Mr. B.S. Parihar, learned Additional
Chief Standing Counsel with Mr. J.S.
Bisht, learned Standing Counsel for
the State.

JUDGMENT : (per Sri G. Narendar, C.J.)

Pursuant to our order dated 20.06.2025, the Secretary, Animal Husbandry Department, Government of Uttarakhand, after interaction, has got filed a short counter affidavit through the Joint Secretary of the Department. The short-counter affidavit reads as under:-



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“1. That the deponent is presently posted as Joint Secretary, Animal Husbandry Department, Government of Uttarakhand, Dehradun, and has been authorized and deputed to file this Counter Affidavit on behalf of respondent no. 1 in the present writ petition, and as such, he is well conversant with the facts deposed to below. True/ correct typed version / copy of the authorization letter dated 21-04-2022 is being filed herewith and marked as Annexure No. 1 to this Affidavit.

2. That the present Writ Petition and other connected writ petitions were listed before the Hon’ble Court on 20.06.2025 and the deponent submitted that he would forthwith constitute the Medical Board and refer all these cases and obtain a report and place it before the Court alongwith their affidavit. The deponent sought two week time for the same.

3. That in this regard it is humbly submitted that in the present Writ Petition bearing WPSB 229 of 2025, “Dr. Ravi Shankar Jha Vs. State & Ors., in compliance with the directions of this Hon’ble Court while the deponent personally appeared through video conferencing on 20.06.2025, by the Government’s Letter No. 1134/XV-1/25/88322 dated 20.06.2025, a letter was sent to the Secretary, Medical Health and Director General, Medical Health and Family Welfare, Uttarakhand, Dehradun to constitute a special State Medical Board for all the Veterinary Officers included in the Eligibility List applying for exemption from annual transfer on the basis of health /disability and to make available the Medical Certificate of their illness / disability to the Government within a week. True / correct typed version / copy of the Govt. Letter dated 20.06.2025 is being annexed as Annexure No. 2 to this affidavit.

4. That by Letter No. 19P/8/1/2025/T.C./17642 dated 23.06.2025 of Director General, Medical Health and Family Welfare, Uttarakhand, a special meeting of the State Medical Council was called on 26.06.2025 at Dehradun for the Medical Examination of the concerned Veterinary Officers and in the said letter it has also been informed that the Chief Medical Officer is the competent authority for issuing disability certificate for disability. True / correct typed version / copy of the Minutes of



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Meeting dated 23.06.2025 is being annexed as Annexure No. 3 to this affidavit.

5. That in pursuance of the above letter of Director General, Medical Health and Family Welfare Uttarakhand, Dehradun, by Letter No. 1641 / Stha.One/Annual Sthana./2025-26 dated 23.06.2025 of Director, Department of Animal Husbandry, 16 Senior Veterinary Officers were directed to appear at the State Medical Council, Dehradun on 26.06.2025 for their Medical Examination and by Letter No. 1681 / Stha.1/Va.Sthana./2025-26 dated 25.06.2025, Chief Veterinary Officer, Nainital / Chief Medical Officer, Nainital as well as Dr. Rajiv Kumar were also informed to get the disability of Dr. Rajiv Kumar, Senior Veterinary Officer examined. True / correct typed version / copy of the Letter dated 23.06.2025 and 25.06.2025 are collectively being annexed as Annexure No. 4 to this affidavit.

6. That in accordance with the above instructions, 14 Senior Veterinary Officers got their Medical Examination done at the State Medical Board on 26.06.2025. After the Medical Examination of the above 14 Senior Veterinary Officers, the Medical Certificates were sent to the Director, Department of Animal Husbandry, Uttarakhand through the Letter No. Ra.Chiki.Pari.-568/2025/5137 dated 26.06.2025 of the Director General / Chairman, State Medical Board, Uttarakhand, Dehradun. True / correct typed version / copy of the Letter dated 26.06.2025 is being annexed as Annexure No. 5 to this affidavit.

7. That the State Medical Board had issued a certificate to the following Senior Veterinary Officers regarding their being covered under Section 3(d) of the Transfer Act 2017:-

Sl. No.	Name / Designation	Place of posting	Remarks
1	Dr. Pushkar Singh Hyanki, Deputy Chief Veterinary Officer, Nainital	Office-Chief Veterinary Officer, Nainital.	Transfer has not made
2	Dr. Mrigesh Chaudhary, Senior Veterinary Officer.	Govt. Veterinary Hospital, Kichha, Udham	In Transfer Session 2025-26 has been transferred in Directorate of



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		Singh Nagar.	Animal Husbandry.
3	Dr. Sanjeev Kumar Sharma, Senior Veterinary Officer.	Attached with Chief Veterinary Officer, Udham Singh Nagar.	Transfer has not made
4	Dr. Ravi Shankar Jha, Senior Veterinary Officer	Govt. Veterinary Hospital, Gadarpur, Udham Singh Nagar.	In Transfer Session 2025-26 has been transferred to Veterinary Hospital, Narsan, Haridwar.

It is submitted that out of the total 14 Senior Veterinary Officers present before the State Medical Board, 10 Senior Veterinary Officers have not been found covered under Section 3(d) of the Annual Transfer Act, 2017 (from the category of serious illness) and Dr. Pankaj Kumar Joshi, Deputy Chief Veterinary Officer and Dr. Kavita Dhiman, Senior Veterinary Officer have not appeared for Medical Examination in the State Medical Board. Dr. Pankaj Kumar Joshi, Senior Veterinary Officer has informed through his application dated 24.06.2025 that in view of the present health condition (unable to walk), he cannot appear before the State Medical Board and Dr. Kavita Dhiman has informed through her application dated 23.06.2025 regarding submission of application under Section 13(3) of the Transfer Act 2017. True / correct typed version / copy of the Application dated 24.06.2025 of Dr. Pankaj Kumar Joshi and Application dated 23.06.2025 of Dr. Kavita Dhiman are collectively being annexed as Annexure No. 6 to this affidavit.

8. That the Letter No. Disabled / 2025-26/5175 dated 27.06.2025 of the Chief Medical Officer, Nainital has certified the 45% Disability Certificate issued to Dr. Rajiv Kumar, Senior Veterinary Officer. True / correct typed version / copy of the Letter dated 27.06.2025 is being annexed as Annexure No. 7 to this affidavit.

9. That in compliance with the directions dated 20.06.2025 of this Hon'ble Court, in the meeting convened at the Government Level on 02.07.2025



and 03.07.2025, after due deliberation, it was decided that even though no limit has been fixed for transfer by the Personnel Department, Govt. of Uttarakhand in the current Transfer Session, but in the interest of departmental work, transfer of 15 percent officers should be considered as in previous years. Therefore, in pursuance of the decision taken as above, cancelling the Government's Office Order No. 1060/XV-1/25/88322 dated 10.06.2025, as per the provisions contained in the Annual Transfer Act, 2017, in the context of departmental requirements, a new transfer list is being prepared for compulsory transfer upto 15 percent of the eligible officers and in relation to the available vacancies. Officers suffering from serious illness are being exempted from transfer as per their request on the basis of Medical Examination Certificate of the State Medical Board.

Similarly, against the said transfer order, WPSB No. 230 of 2025 and WPSB No. 229 of 2025 have been filed before this Hon'ble Court by the petitioner Dr. Gurpreet Singh and Dr. Ravishankar Jha respectively. In the new transfer proposed list, Dr. Gurpreet Singh and Dr. Ravishankar Jha are not coming under the purview of compulsory transfer. Also, WPSB No. 243 of 2025 filed before this Hon'ble Court by the petitioner Dr. Ramanayan Maurya, in the new proposed transfer list, it is proposed to transfer Dr. Ramanayan Maurya to the vacant post as per the option submitted by him.

10. That 04 Senior Veterinary Officers, who have been found covered under Section-3(d) of the Transfer Act 2017 by the State Medical Board are being given work by the department and these Senior Veterinary Officers are performing departmental work faithfully. Hence, the department is not in favour of compulsory retirement of these Senior Veterinary Officers.

11. That Honourable High Court is requested to grant the permission of release of Proposed Transfer List prepared as per the provisions of the Annual Transfer Act 2017 and on the basis of Government Orders given by the Personnel Department of Uttarakhand Government which is being annexed as Annexure No. 8 to this affidavit."



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2. Except for the case of two Senior Veterinary Officers-one Dr. Pankaj Kumar Joshi and Dr. Kavita Dhiman, rest have been examined by the State Medical Board, and it is averred that the State Medical Board has certified only the cases of four officers, and as aforestated, two having not appeared, no certification from the State Medical Board has been issued.

3. The contention of Dr. Pankaj Kumar Joshi that he cannot appear before the State Medical Board because he is unable to walk is food for some serious thought. If he is unable to walk, to even attend a medical examination, then the million dollar question is as to whether he is really discharging his duties or not? If the aforestated two persons are incapable of performing and discharging their duties, then it is for the Department to review their requirement. It is unbelievable that a person, who is discharging duties is unable to appear before the State Medical Board. It only fortifies our suspicion that not all the medical certificates that have been placed to seek exemption from transfer are untainted.

4. In that view, we direct the Secretary, Animal Husbandry Department, Government of Uttarakhand to proceed further with the fresh transfer list in the light of the re-visited eligibility list.



5. Further in Paragraph No. 9 of the short-counter affidavit dated 08.07.2025, it is averred by the deponent that both the petitioners-Dr. Gurpreet and Ravi Shankar Jha do not come under the purview of compulsory retirement and in that view, the earlier proposals are not being effected and; that in view of the option given by Dr. Ram Nayan Maurya (petitioner in WPSB No. 243 of 2025), he is being transferred to the opted post.

6. In view of the above, the Writ Petition Nos. 229, 230 and 243 of 2025 do not call for any further orders.

7. Placing the short-counter affidavit dated 08.07.2025 on record, the Writ Petition Nos. 229, 230 and 243 of 2025 stand disposed of in terms thereof.

8. We appreciate the diligence & effort put in by Sri Dr B.V.R.C. Purushottam, Secretary, Animal Husbandry Department, Government of Uttarakhand to carry-out the exercise and place the corrective measures before this Court in such a short period of time.

9. After the dictation of the above order, learned counsel for the petitioner in WPSB No. 243 of 2025 prays that an opportunity may be given to the petitioner to make a representation and seek a posting at a place nearer to Kashipur, where his wife is currently employed and posted as a Senior Veterinary Officer.



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10. Reserving such liberty, Writ Petition (S/B) No. 243 of 2025 is disposed of.
11. In respect of Writ Petition (SB) No. 249 of 2025, learned counsel for the petitioner submits that the earlier transfer proposal has been withdrawn by the Department and in that view, Writ Petition (SB) No. 249 of 2025 does not survive for consideration.
12. The submission is placed on record.
13. Writ Petition (S/B) No. 249 of 2025 is disposed of as having been rendered infructuous.
14. There shall be no order as to costs.

G. NARENDAR, C.J.

ALOK MAHRA, J.

Dt: 10th July, 2025
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A SINGH
RATHOUR