



2025:UHC:6221-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR
AND

THE HON'BLE JUSTICE MR. ALOK MAHRA

Writ Petition (S/B) No.286 of 2025

17th July, 2025

Rashmi Bhatt

--Petitioner

Versus

State of Uttarakhand and others

--Respondents

Presence:-

Ms. Anupriya Kukreti, learned counsel holding brief of Mr. M. C. Pant,
learned counsel for the petitioner.

Mr. J. S. Bist, learned Standing Counsel for the State.

JUDGMENT : (per Mr. Alok Mahra, J.)

Heard learned Counsel for the petitioner and
learned Standing Counsel for the State.

2. Briefly put, the case of the petitioner is as
follows:

According to the petitioner, she was appointed
on the post of Ayurvedic Pharmacist in the State
Ayurvedic Hospital, Kutkhal, District Pauri; that, after
rendering more than 10 years of satisfactory service in
various State Ayurvedic Hospitals, which are classified as
inaccessible areas, she was promoted to the post of
Chief Pharmacist on 05.09.2020 and was posted to
Nagar, Almora, which is an accessible area, and she



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remain posted at Almora, till 14.06.2023; that, on 10.06.2023, she was transferred to State Ayurvedic Hospital, Badkot, Utarkashi, which is also an inaccessible area; that, on 04.06.2025, a meeting of transfer committee was convened, in which the name of the petitioner was on serial number 4 and, on her transfer request, it was written 'option filled is not vacant' while the name on serial number 6 of one Smt. Arti Gaur, however, in the earlier eligibility list of transferees, who have option to apply for the place, the name of the petitioner was on serial number 18 and the name of respondent no.3- Smt. Arti Gaur was not there, but on the list of the minutes of meeting under the transferees who filled up option for transfer, the name of the respondent no.3 is present; that, vide order dated 10.06.2025, the respondents published a list, in which the name of the petitioner was not found figure, however, the name of respondent no.3 was mentioned, by which she was transferred to Dehradun. Feeling aggrieved, petitioner preferred a representation, but no decision has been taken thereupon so far. Thus, feeling aggrieved, petitioner has approached this Court, seeking the following reliefs:-

- i. To issue 'writ, rule or direction in in the nature of*



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certioraroified mandamus declaring the act of the respondents for allowing the benefit of transfer to private respondent transfer by way of the impugned order 10.06.2025 so far as related to private respondent (Annexure No. 1) is arbitrary, discriminating, irrational and contrary to transfer act and based upon undue favoritism towards the private respondent and also ignoring the legitimate claim of the petitioner and to quash the same along with its effect and operation after calling the entire record from the respondents or to mold the relief appropriately. keeping in view the facts highlighted in the body of the petition.

- ii. To issue writ, rule or direction in the nature of mandamus by directing the respondents to reconsider the case of the petitioner for transfer as per her option and the grievances raise by her in her representation dated 16.06.2025 (as contained to Annexure No. 12) and to allow to her case transfer to her Dehradun in place of private respondent had it been the impugned order was never in existence keeping in view the facts highlighted in the body of the petition.*

3. The main ground canvassed by the petitioner for challenging the impugned transfer order of respondent no.3 is that, while passing the impugned transfer order, petitioner's case for transfer under the provision contained under Section 13 (3) of the Transfer Act, is not taken into account, which provides that in case, a husband/wife serving in Government of Uttarakhand wishes to be posted at same place in a accessible area or remote area, they shall be eligible to request for transfer/posting at one place accordingly, but after such posting the spouse shall be eligible for transfer in general transfer season if he/she fulfills the norms of 05/03 years service in a particular place or 10



years total service.

4. Learned counsel for the petitioner submits that, out of total length of service of about 12 years, petitioner has rendered about 4368 days in durgam area and about 1004 days in sugam area and, despite the fact that petitioner is eligible for being transferred to a sugam area, respondent no.3, who was not even eligible, has been transferred to District Dehradun, by giving her benefit of Spouse Policy.

5. Per contra, learned State Counsel, on instructions received from Joint Director, Ayurvedic and Unani Services, Uttarakhand dated 15.07.2025, submits that, at the time of petitioner's transfer, vide order dated 10.06.2023, the post at Dehradun or other options submitted by the petitioner were not vacant and, therefore, considering the availability of post and proximity to District Dehradun, the petitioner was transferred from Almora to R.A.C. Barkot, District Uttarkashi, by extending her the benefit of the Spouse Policy under Section 17(1)(b)(iv) of the Uttarakhand Annual Transfer for Public Servants Act, 2017. He would further submit that, in the Annual Transfer Session 2025, only one post of Chief Pharmacy Officer was



available in District Dehradun at R.A.C. Bhandaribagh, against which respondent no.3 has been transferred by giving benefit of Spouse Policy and that there is no post of Chief Pharmacy Officer lying vacant in District Dehradun, therefore, it is not possible to transfer the petitioner to District Dehradun during the Annual Transfer Session. In the instruction, it is further mentioned that once the transfer has been made under Section 17(1)(b)(iv) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 then after posting the spouse shall be eligible for transfer in general transfer season if he/she fulfills the norms of 05/03 years service in a particular place or 10 years total service. The instructions received from the Joint Director, Ayurvedic and Unani Services, Uttarakhand are taken on record.

6. It is settled proposition of law that transfer is an incidence of service and judicial interference in the discretion of Transferring Authority has to be minimal and there is no vested right available to petitioner to get transfer to a place of her choice. In view of the fact as narrated above, this Court does not find any reason to interfere with the impugned order, passed in respect of respondent no.3.



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7. Accordingly, the writ petition fails and is dismissed. There shall be no order as to costs.

(G. NARENDAR, C. J.)

(ALOK MAHRA, J.)

Dated: 17.07.2025
BS

BALWANT
SINGH

