



2025:UHC:7670-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (S/B) No. 348 of 2025

26th August, 2025

Anjani Rawat Negi

--Petitioner

Versus

State of Uttarakhand and another

--Respondents

Presence:-

Mr. Krishna Mohan Joshi, learned counsel for the petitioner.

Mr. Jagdish Singh Bisht, learned Standing Counsel for the State.

JUDGMENT: (per Subhash Upadhyay, J.)

The petitioner has filed the present Writ Petition with the following prayers:

- (i) *To issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 14.08.2025 passed by the respondent no. 1, whereby the petitioner has been transferred from District Industrial Centre Dehradun to District Industrial Centre Almora, in the mid session. (Contained as Annexure No. 1 to this Writ Petition.)*
- (ii) *Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to permit the petitioner to continue at District Industrial Centre, Dehradun and not to relive the petitioner from present*



2025:UHC:7670-DB

place of posting i.e. District Industrial Centre, Dehradun to the transfer place of posting i.e. District Industrial Center, Almora.

2. Learned counsel for the petitioner contends that the impugned transfer order dated 14.08.2025 is a midterm transfer and is in violation of Section 23 of The Uttarakhand Annual Transfer for Public Servant Act, 2017 (*hereinafter referred to as "the Transfer Act"*) as the last date of issuing transfer order is 10.06.2025. Further, the transfer order has been passed during the applicability of the model code of conduct, for Panchayat elections.

3. Vide order dated 20.08.2025, learned counsel for the State was granted time to seek instructions in the matter.

4. Learned counsel for the respondents has placed on record the instructions sent by Additional Secretary, Micro Small and Medium Enterprises, MSME, Dehradun on 14.08.2025.

5. Learned counsel for the respondents on the basis of instructions received submits that:

- (a) The petitioner has completed 14 years 3 months and 10 days in *sugam* area (accessible area) and has spanned 3 years 8 months and 13 days at the current working place (District Industries Centre, Dehradun). Hence, the petitioner was eligible for transfer under the Transfer Act as she had never served any *durgam* area (non accessible area).



2025:UHC:7670-DB

- (b) Petitioner submitted an application on medical ground for relaxation from transfer and a decision was taken by the Transfer Committee asking the petitioner to submit Health Certificate and the approval was taken within the time frame fixed for transfer on 10.06.2025 to the effect that till the submission of the Health Certificate, the petitioner shall continue to work at the present place of posting and if she fails to produce the Health Certificate then she shall be transferred to Almora.
- (c) Petitioner deliberately delayed the matter and appeared before the State Medical Council on 17.07.2025 for medical checkup, however, the State Medical Council did not find her case fit to provide relaxation under Section 3(D) of the Transfer Act, and hence as the petitioner failed to provide the requisite Health Certificate, the approval order dated 10.06.2025 was given effect to.
- (d) The fact that petitioner was required to produce the Medical Certificate from State Medical Board, which she failed to produce, is not stated in the writ petition.
- (e) The petitioner has been posted at the District Industries Center, Almora, which is an accessible area, and there is a Government Medical College.
- (f) Transfer order has been issued on 14.08.2025 in the afternoon after completion of counting of votes and the petitioner has been given 7 days' time to take charge at the new place of posting.



2025:UHC:7670-DB

6. We have heard learned counsel for the parties and are of the opinion that the petitioner in her entire service has not served for a single day in non-accessible area and she is due for transfer under the Transfer Act.

7. Transfer is an exigency of service and no employee has an indefeasible right to be posted at a particular place for an indefinite time. Moreover, in the present case the petitioner was provided adequate opportunity to get her health examined by the State Medical Board and her case was not found to be covered for relaxation under Section 3 (D) of the Transfer Act. The petitioner has been posted at District Almora, which according to the respondents is yet an accessible area. Thus, there is no illegality or impropriety in the impugned transfer order dated 14.08.2025. There is no scope of interference in the transfer order.

8. The Writ Petition fails and is accordingly dismissed. No Order as to costs.

(G. NARENDAR, C.J.)

(SUBHASH UPADHAYA, J.)

Dated: 26.08.2025

Kaushal