

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 13256 of 2026.

Decided on : 5th October, 2026.

Prashant Kumar

...Petitioner.

Versus

State of H.P. & Ors.

....Respondents.

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the Petitioner:

Mr. Vikrant Thakur, Senior Advocate with
Mr. Shubham Singh Guleria, Advocate.

For the respondents:

Mr. Sikander Bhushan, Dy. Advocate
General

Jyotsna Rewal Dua, Judge.

The petitioner is serving as Trained Graduate Teacher (Medical) in the respondent Education Department. Under office order dated 20.07.2026, he was transferred from GSSS Chirgaon, District Shimla to GSSS Bhatgarh, District Sirmour. Feeling aggrieved, the petitioner has preferred this writ petition. Pursuant to the interim order dated 04.08.2026 passed in this writ petition, the petitioner is continuing to serve at GSSS Chirgaon.

2. The respondents did not file reply, rather placed on record instructions dated 08.09.2026, giving incumbency position of the petitioner, in terms of which petitioner remained posted within a radius of

¹ Whether reporters of the local papers may be allowed to see the judgment?

30 km with effect from 27.09.2018. Taking note of the same, following order was passed in the matter on 09.09.2026:

"Learned Deputy Advocate General has placed on record office instructions dated 08.09.2026 from the Director School Education, Himachal Pradesh, giving the incumbency position of the petitioner, in terms of which, the petitioner remained posted within a radius of 30 kilometers w.e.f. 27.09.2018.

Learned Senior Counsel for the petitioner places reliance upon the decision rendered in CWP No.8856 of 2025 (Prashant Kumar Versus State of H.P. and others), decided on 17.10.2025 and on that basis submits that the petitioner is entitled to complete his normal tenure at Chirgaon in view of the directions already issued in the aforesaid decision, which has attained finality.

Let learned Deputy Advocate General to have fresh instructions in the matter.

List on 05.10.2026."

Pursuant to above, learned Deputy Advocate General has placed on record fresh office instructions dated 01.10.2026 from Director, School Education, reiterating that previous stays of the petitioner were at stations within 30 km radius, therefore, respondents were justified in transferring the petitioner under impugned order in view of *Monika Katna vs. State of H.P. and others*².

3. Heard and considered the case file.

4. Decision rendered in CWP No. 8856 of 20235 previously instituted by the petitioner is an important aspect to be considered in this writ petition. The said writ petition was preferred by the petitioner feeling

²CWP No.2734 of 2024, decided on 06.06.2025

aggrieved against office order dated 21.05.2025 transferring him from GSSS Chirgaon, District Shimla to GSSS Himri (K), District Shimla. It was contended for the petitioner in the aforesaid writ petition that he was posted at Chirgaon only on 24.04.2025; He had completed just about one month at his present place when impugned office order was issued on 21.05.2025 transferring him to GSSS Himri, District Shimla; That petitioner had not been allowed to complete his normal tenure of 3 years at GSSS Chirgaon.

The respondents' stand in the aforesaid writ petition had been that petitioner remained posted within a distance of 30 km with effect from 27.09.2018, therefore, no interference was required in the impugned office order dated 21.05.2025. The aforesaid stand of the respondents was turned down in the judgment dated 17.10.2025, relevant portion of which reads as under:

"2. For assailing the impugned order, learned counsel for the petitioner submitted that petitioner was posted at Chirgaon on 24.04.2025. He had just completed about one month at the present place when impugned office order was issued transferring him to another place. The petitioner has not been allowed to complete his normal tenure of three years at present place. The transfer order is contrary to the respondents avowed transfer policy.

It was also contended that the impugned transfer has been ordered only on the basis of a D.O note dated 13.05.2025 mentioned in para-5 of the writ petition.

3. Respondents have tabulated the petitioner's incumbency as under:-

	Place of Posting	Period/Distance
1.	GSSS Lakadhar (SML)	27.09.2018 to 18.08.2022.
2.	GSSS Kautara (SML)	23.08.2022 to 24.04.2025 Lakadhar to Kautara = 26 K.m.
3.	GSS SJUV) Chirgaon, (SML)	24.04.2025 to 21.05.2025 Kutara to Chirgaon=30 K.M.

According to the respondents, the petitioner had served at GSSS Kutara, District Shimla w.e.f. 23.08.2022 to 24.04.2025, Kutara being at the distance of 26 K.M from the petitioner's previous place of posting at Lakadhar; It is thereafter, the petitioner was transferred to GSSS (SJUV), Chirgaon, Shimla on 24.04.2025; The distance between Kutara & Chirgaon is just around 30 K.M. According to the respondents, the petitioner had remained posted within a distance of 30K.M w.e.f. 23.08.2022, therefore, no interference is required in the impugned office order dated 21.05.2025.

4. It is not the case of the respondents that petitioner was posted at Chirgaon pursuant to any D.O note issued at his instance. Rather the position that emerges from pleadings is that on 27.07.2024, the petitioner was transferred from GSSS Kutara to GSSS Baura. He challenged the order dated 27.07.2024 in CWP No.8287 of 2024. The operation of transfer order dated 27.07.2024 was stayed in the said writ petition. The petitioner thereafter, continued to serve at GSSS, Kutara. During the pendency of the said writ petition, he was transferred to GSSS, Chirgaon on 24.04.2025. Consequently, the petitioner withdrew the writ petition on 05.05.2025. Thus the respondents' defence of petitioner having been posted within distance of 30K.M w.e.f. 23.08.2022 cannot justify the issuance of office order dated 21.05.2025 transferring the petitioner from Chirgaon to Himri within a span of one month of his posting at Chirgaon. It was the respondents who had transferred the petitioner from Kutara to Chirgaon on 24.04.2025. The petitioner has not completed his normal tenure at Chirgaon. Further, the respondents have also not denied the petitioner's impugned transfer having been ordered only on the basis of D.O note.

In view of the above, case is made out for interference with the impugned office order. Accordingly, this writ petition is allowed. The impugned office order dated 21.05.2025 (annexure P-1) is quashed and set aside. Pending miscellaneous application(s), if any, also to stand disposed of."

There is no change of facts in the instant petition as well. The only difference is that respondents have transferred the petitioner again from GSSS Chirgaon to GSSS Bhatgarh, District Sirmour. Respondents' stance of petitioner having remained posted within a distance of 30 km was turned down in CWP No. 8856 of 2025 taking note of facts of the case. The reasoning assigned while allowing CWP No. 8856 of 2025 holds good for allowing this writ petition as well. The petitioner has not been allowed to complete his normal tenure at GSSS Chirgaon, where the respondents had transferred the petitioner themselves without any request on part of the petitioner. Accordingly, the writ petition is allowed. Impugned order dated 20.07.2026 (Annexure P-1) is quashed and set aside. Pending applications, if any, also stand disposed of.

Jyotsna Rewal Dua
Judge

5th October, 2026.
(jai)