



HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
18TH JUNE, 2026
WRIT PETITION (S/B) NO. 351 OF 2026

Dr. Tanu Mittal

.....Petitioner.

Versus

State of Uttarakhand & others

....Respondents.

Counsel for the Petitioner : Mr. Sagar Kothari, learned counsel.

Counsel for the State : Mr. B.P.S. Mer, learned Standing Counsel.

JUDGMENT : (per Mr. Manoj Kumar Gupta, C.J.)

1. The present writ petition has been filed assailing the transfer order dated 09.06.2026, whereby the petitioner, who is presently posted as Assistant Professor, Sociology, Government P.G. College, New Tehri, has been transferred in the same capacity to Government P.G. College, Talwari, District Chamoli.

2. The case of the petitioner is that she has been transferred on complaint without holding proper inquiry and, therefore, it is in violation of Section 18(4) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 (*hereinafter referred to as "the Act"*).

3. On the other hand, learned State Counsel submitted that the transfer was made in exercise of power



under Section 18(5) of the Act, which reads as under:-

“18(5) The competent authority may issue positing/ transfer orders besides the transfer to be made as per clause (1) to (4) aforesaid in separate and different period also and it shall not be necessary to bring such cases before the transfer committee:

Provided that on transfers made on administrative grounds the competent authority shall have to take approval from the one rank higher officer.”

4. As the Department has sought to bring the transfer within the purview of sub-section (5) of Section 18 of the Act, therefore, such transfer should have had the approval of officer one rank higher than the competent authority. Consequently, we required the Department to place on record material to indicate that the approval from the higher authority was obtained.

5. Learned State Counsel has obtained further instructions and has place for our perusal the notings on the official file, which indicate that the Department had obtained approval of the concerned Minister for transfer of the petitioner on administrative grounds.

6. Learned counsel for the petitioner tried to contend that the noting indicates that the transfer was made on complaint. In other words, he has tried to bring the case under sub-section (4) of Section 18, where enquiry



is needed if transfer is made on a complaint. However, the record does not lead to any such conclusion, as in respect of other employees, who had been transferred on complaints, it was so mentioned specifically in the note-sheet. As against the name of the petitioner, it is not stated that she was being transferred on basis of complaint. Thus, we find no illegality in the impugned transfer order.

7. The writ petition lacks merit and is, accordingly, dismissed.

8. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dated: 18th June, 2026

NISHANT

NISHANT
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