



Sl. No.	Date	Office Stamp, signature, date or proceedings as directed and Registrar's order with signature	COURT'S OR JUDGE'S ORDERS
			WPSS No.1603 of 2026 <u>Hon'ble Pankaj Purohit, J.</u> Mr. Akshay Pradhan, learned Counsel for petitioner. 2. Mr. Ganga S. Negi, learned Addl. CSC for the State. 3. The facts in brief are that the petitioner is serving as a Workshop Instructor in the Technical Education Department and is presently posted at Government Polytechnic, Haridwar. The petitioner claims to be suffering from Coronary Artery Disease (CAD), a disease covered under Section 3(D) of the Uttarakhand Annual Transfer for Public Servants Act, 2017, and had submitted a medical certificate issued by the State Medical Council, Uttarakhand seeking exemption from transfer. However, by communication dated 05.05.2026, the Director, Technical Education required the petitioner to furnish an additional recommendation/certificate from the State Medical Board/Director General, Medical Health for processing his claim. Subsequently, by order dated 11.06.2026, the petitioner was transferred from Government Polytechnic, Haridwar to Government Polytechnic, Gochar, District Chamoli. Aggrieved, the petitioner has filed the present writ petition challenging both the communication dated 05.05.2026 and the consequential transfer order dated 11.06.2026. Learned counsel for the petitioner submitted that the petitioner is suffering from Coronary Artery Disease



		(CAD), which is a notified disease under Section 3(D) of the Uttarakhand Annual Transfer for Public Servants Act, 2017, and had already furnished a valid medical certificate issued by the State Medical Council, Uttarakhand. It is contended that neither the Act of 2017 nor the Government Order dated 10.05.2023 contemplates any further recommendation from the State Medical Board or Director General, Medical Health. Consequently, the communication dated 05.05.2026 imposing such an additional condition is arbitrary and contrary to the statutory scheme. It is further submitted that without deciding the petitioner's pending claim for medical exemption, the respondents proceeded to issue the transfer order dated 11.06.2026, thereby rendering the statutory protection available under the Act illusory. According to the petitioner, his case ought to have been placed before the competent Transfer Committee for consideration on merits before any transfer order was passed. Learned counsel submitted that the petitioner has been posted at Haridwar only since the year 2024, is the sole caretaker of his aged mother and would suffer grave hardship if transferred to a distant station. It is, therefore, contended that the impugned communication and consequential transfer order are arbitrary, violative of Articles 14 and 16 of the Constitution of India and liable to be quashed. Having heard learned counsel for the parties and
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		perused the material available on record, this Court finds no ground to interfere in the matter. Transfer is an incident of service and lies primarily within the domain of the employer. The petitioner has challenged the communication dated 05.05.2026 and the consequential transfer order dated 11.06.2026 principally on the ground that his claim for exemption on medical grounds was not considered. However, the record does not disclose any statutory right vested in the petitioner to insist upon posting at a particular station. The question whether the petitioner satisfies the requirements for grant of exemption under the applicable transfer policy or statutory framework is a matter to be examined by the competent authority and does not, by itself, render the transfer order illegal. No mala fides have been pleaded or established against any authority, nor has any violation of a mandatory statutory provision been demonstrated warranting interference under Article 226 of the Constitution of India. The personal hardships pleaded by the petitioner, including his medical condition and family circumstances, may constitute grounds for representation before the competent authority but cannot furnish a basis for judicial review of an order of transfer. Accordingly, the writ petition is dismissed. (Pankaj Purohit, J.)
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