



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (S/B) No.420 of 2026

9th July, 2026

Dr. Chavi Chaudhary

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. I.D. Paliwal and Mr. Rohit Kumar, learned counsel for the petitioner.

Mr. B.P.S Mer, learned Standing Counsel and Mr. Sachin Mohan Singh Mehta, learned Standing Counsel for the State of Uttarakhand.

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

1. Heard learned counsel for the parties.
2. The instant writ petition is directed against an order dated 30.06.2026 issued by the Directorate under signature of the Director transferring the petitioner, who is holding the post of Veterinary Officer, from ULDB Dehradun to Veterinary Hospital, Pantwari Tehri.
3. The first ground of challenge to the transfer order is that the mother-in-law of the petitioner is suffering from cancer and she is taking treatment at AIIMS Rishikesh. It is stated that the petitioner is the only person in the family who could take care of the mother-in-law and, in case of transfer of the petitioner no one would be left to take care of her. Reliance has been placed on



Section 3(f) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 (for short “the Transfer Act”).

4. The second ground is that the incumbent, who has been transferred in place of the petitioner and whose name finds place at Serial No.12 in the eligibility list, has been shown undue favour. It is stated that her transfer was on spouse ground but it is stated in the transfer order that she was being transferred in public interest.

5. The transfer of the petitioner from Dehradun to the present place of posting is for the reason that she had remained posted at Dehradun, which is an accessible place, for last 8 years 8 months and 15 days. The said fact is not disputed by the petitioner.

6. Under Section 7 of the Transfer Act a person is liable to be transferred to a remote place if he /she had completed 4 years or more at an accessible place. Admittedly, the petitioner has completed more than 4 years and is thus covered under Section 7 of the Act.

7. The provision regarding exemption on medical ground is contained in Section 7(d)(iii) of the Act which is as follows:

“(d) The employees under following categories shall exempted from compulsory transfer from accessible area to remote area; namely:

(i)...

(ii)...



(iii) The employees seriously ill/disabled under section 3 and who submit a certificate from competent authority."

8. Section 3(d) defines serious patient as follows:

"3. In this Act, unless there is anything repugnant in the subject or context-

(a)

(b)

(c)....

(d) "Serious Patient" means the spouse and family (which includes the children of the age up to 18 years and parents) of any employee suffering from a serious diseases and it includes Cancer, Blood Cancer, AIDS/HIV (positive), Heart disease (Having Bypass surgery or Angioplasty done) Kidney disease (dependent on the dialyses due to failure of both the kidneys or kidney transplanted or one kidney removed), Tuberculosis (both the lungs infected or one lung fully damaged), SARS (third stage), epilepsy, mental disease and any such other disease for which State Medical Board doesn't recommend for posting in any particular place/area and the committee constituted under section 27 of the Act gives its approval thereon;"

9. Mother-in-law is not included within family for purpose of Section 3(d) of the Act. Therefore, merely possessing a certificate of serious illness as defined under Section 3(f) would not attract the exemption clause.

10. It seems that the petitioner was conscious of the said fact and, therefore, she had misstated in her application that her mother was suffering from cancer as otherwise the case would not fall for consideration under



the exemption clause. This is evident from the option list filed as Annexure-2 where the department on the basis of representation regarding illness of the family member has indicated the ground for exemption as illness of the mother of the petitioner.

11. Along with the instructions, the State Counsel has brought on record the applications and representations filed by the petitioner wherein also she stated that her mother is suffering from cancer although the fact of the matter is that it is the mother-in-law of the petitioner who is allegedly suffering from cancer. Thus, there appears to be a deliberate intent to mislead the department to bring the case within the purview of the exemption clause.

12. We made query from learned counsel for the petitioner as to why the husband of the petitioner is not taking care of his mother who is stated to be suffering from cancer. Learned counsel for the petitioner states that the husband of the petitioner is a businessman and he remains busy in his business, therefore, he is unable to take care of his mother.

13. The excuse, which has been put forth, completely disentitles the petitioner to her case even being considered under the exemption clause, particularly, when there was attempt to mislead the department.



14. For the reasons aforesaid, the writ petition is dismissed.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 09.07.2026
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