

**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. 456 of 2026****21st July, 2026**

Dr. Satish Chandra

-----Petitioner

Versus

State of Uttarakhand and another

----Respondents

Presence:-

Mr. Vinay Kumar, learned counsel for the petitioner.

Mr. Amrendra Pratap Singh, learned Additional Advocate General, assisted by Mr. B.S. Parihar, learned Additional CSC for the State.

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

1. The present writ petition has been filed by the petitioner assailing the order of his transfer dated 30.06.2026 from the post of Senior Veterinary Officer, Directorate of Animal Husbandry, to the post of Senior Veterinary Officer, Veterinary Hospital, Chamoli, District Rudrapur.

2. The case of the petitioner is that he is suffering from fracture of D-5 and thus falls within the definition of 'serious patient' under Section 3(d) of the Uttarakhand Annual Transfer of Public Servants Act, 2017. In the eligibility list his name was included on the ground that he had not completed ten years of service at remote place. The petitioner sought exemption from transfer on the ground of his being a serious patient placing reliance on the report of the State Medical Board, Uttarakhand dated 19.05.2022. According to the petitioner, the respondents have failed to take into consideration the said report and consequently, the impugned transfer is bad in law.



2. Learned State Counsel has placed on record the instructions received from the Directorate. According to it, the petitioner was subjected to re-examination by the State Medical Board on basis of order dated 20.06.2025, passed by this Court in WPSB No. 229 of 2025, Dr. Ravi Shankar Jha vs. State of Uttarakhand and another, wherein a general direction was issued to the State to constitute a Medical Board and get all cases reviewed through it. According to the respondents, the petitioner was also examined by the Medical Board constituted by the State in compliance of the order of this Court dated 20.06.2025 and it opined that “Case of D5 grade-1 burst fracture does not come under 2017 Transfer Act-3D”.

3. The report of the Medical Board to the aforesaid effect has also been enclosed along with written instructions, which reveals that the petitioner was examined by the newly constituted Medical Board on 26.06.2025.

4. Learned counsel for the petitioner on being confronted, as to how, the aforesaid facts were not stated in the writ petition, submits that the petitioner had not apprised him of the same, therefore, he could not state these facts.

5. We thus find that present writ petition has been filed by concealment of material facts. On this ground alone the writ petition is liable to be dismissed. Moreover, on merits also, since in the recent medical examination, the Medical Board has found



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that the case of the petitioner is not covered under the definition of 'serious patient' therefore, no interference is warranted.

6. The writ petition lacks merit and is accordingly dismissed.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 21.07.2026

KKS/PP