



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 2141 of 2026

11 August, 2026

Kailash Chandra

--Petitioner

Versus

State Of Uttarakhand and another

--Respondents

Presence:-

Mr. Dinesh Gahatori, Advocate for the petitioner.

Mr. Maneesh Bisht, learned Brief Holder for the State.

Hon'ble Pankaj Purohit, J. (Oral)

Heard learned counsel for the parties.

2. Petitioner has impugned the order dated 11.06.2026 passed by respondent no.2- Director, Secretary Education, Uttarakhand whereby the representation of petitioner dated 20.04.2026 has been rejected.

3. Petitioner is posted as a Lecturer (Chemistry) in Govt. Inter College, Kafligaur, Bageshwar. He earlier filed a petition being WPSS No.1275 of 2026 (Kailash Chandra v. State and others), requesting this Court to transfer the petitioner to his home district U.S. Nagar in any of ten options stated by him in the representation. The said writ petition was decided by this Court vide order dated 20.05.2026 directing the Director, Secondary Education to take a decision on the representation dated 20.04.2026 submitted by petitioner as per law within six weeks from the date of production of a certified copy of order dated 20.05.2026. By impugned order dated 11.06.2026, the said representation has been rejected.



4. Learned Counsel for petitioner submits that the representation was rejected by respondent no.2 only on the ground that a WPSS No.533 of 2025 is pending before this Court wherein order dated 09.04.2025 was passed directing the respondents not to transfer the teachers on the basis of Sugam and Durgam classification. Learned Counsel for petitioner further submits that the order passed by the Writ Court in WPSS No.533 of 2025 was modified by the Court on 16.12.2025 on the request of State Government wherein the earlier order dated 09.04.2025 was further clarified stating as under: -

“12. My earlier order dated 09.04.2025 is very clear whereby respondents were permitted to transfer in certain contingencies including the long tenure which the respondents can examine on the basis of the period which was rendered in the plain area like Dehradun, Haridwar, Haldwani, Rudrapur, Ramnagar and Kotdwar etc. Therefore, the respondents are free to transfer any incumbent from one place to another place but not on such classification of Sugam and Durgam.”

5. Learned Counsel for petitioner submits that the order, modified subsequently, makes it abundantly clear that the respondent-State was free to transfer an incumbent from one place to another but not on classification of Sugam or Durgam. He further submits that representation of petitioner was not based on the classification of Sugam or Durgam rather it on the ground that petitioner had already served for more than 25 years in Kafligaur (Bageshwar) and other adjoining places; and secondly, he had crossed 55 years of age, and therefore, he sought his transfer to his home district U.S. Nagar in any of the schools mentioned in representation dated 20.04.2026.



6. Thus, learned Counsel for petitioner submits that since the order dated 09.04.2025 was modified on 16.12.2025, therefore, the impugned order passed on 11.06.2026 is apparently based on the earlier order dated 09.04.2025 which was subsequently modified. Thus, he submits that the impugned order cannot sustain being incorrect, illegal and contrary and without any application of mind. He further submits that the respondent no.2 has also made several transfers of Lecturers after modification of order, as reflected from order dated 14.07.2026 (Annexure No.8).

7. Per contra, learned State Counsel also admits that order was subsequently modified, and accordingly, the ground taken by Director for rejecting the petitioner's representation based on previous order of the Court is totally uncalled for.

8. In such view of the matter, this Court is of the view that the impugned order dated 11.06.2026 cannot sustain and the same is, accordingly, quashed. The writ petition is, accordingly, allowed. A writ of mandamus is issued to respondent no.2 to reconsider and decide the representation dated 20.04.2026 submitted by petitioner by passing a fresh order strictly in accordance with law without being influenced by any observation made either in this order or in the order dated 11.06.2026.

9. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
11.08.2026

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