



HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SIDDHARTHA SAH
25TH AUGUST, 2026
WRIT PETITION (S/B) NO. 544 OF 2026

Dr. Deepmala

.....Petitioner.

Versus

Secretary, Higher Education & others

....Respondents.

Counsel for the Petitioner

: Mr. S.S. Yadav, 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 by the petitioner challenging the order dated 10.08.2026, passed by respondent no.4, rejecting the representation of the petitioner made pursuant to the order dated 08.07.2026 passed in the previous writ petition, being Writ Petition (S/B) No.394 of 2026.

2. The facts, in brief, are that the petitioner, who is a teacher in Zoology subject in the Education Department of the State Government, feeling aggrieved by the order of transfer dated 09.06.2026, transferring her from Government P.G. College, Rudrapur to Government Degree College, Agaroda, District Tehri Garhwal, preferred the aforesaid writ petition.



3. The case of the petitioner was that her husband is a radiologist and he was also posted at Rudrapur in District Government Hospital. By order dated 29.06.2026, he was transferred to District Government Hospital, Dehradun. The petitioner also exercised option for transfer to Dehradun, but without considering her option, she was transferred to Tehri Garhwal. The said writ petition was disposed of by a Coordinate Bench by order dated 08th July, 2026 granting liberty to the petitioner to make representation to the respondents, with a further direction to the respondents to decide the same by a speaking order.

4. Thereafter, the petitioner made a representation to the respondents, which has now been rejected by the impugned order. The representation has been rejected on the ground that the petitioner had completed only one year four days of service at remote places and had, thus, not completed prescribed ten years' of service at remote places. Consequently, she had been rightly transferred to a remote area as per the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017.

5. The contention of learned counsel for the petitioner is that the petitioner was initially appointed as a teacher on contractual basis on 11.12.2006 and was posted



at Government P.G. College, Bageshwar, which is a remote area. She was regularized by an order dated 13.07.2016 and, thereafter, she was transferred to Government P.G. College, Rudrapur *vide* order dated 29.03.2017. The case of the petitioner is that the service rendered by her on contractual basis since 11.12.2006 at Government P.G. College, Bageshwar till 22.07.2016 has not been taken into account while calculating the duration of her posting at remote places.

6. The contention is that the purpose of prescribing a period of 10 years' posting at remote places is to ensure that every employee is posted at remote places also. Consequently, the period during which the petitioner remained posted at remote places could not be excluded for purposes of the Transfer Act.

7. It is also submitted that the condition contained in the circular letter dated 11.04.2026, issued by the Directorate, prescribing the policy for exercising options by the employees of the Education Department and regulating their transfers, whereby it was prescribed that the period of service would be considered from the date of regularization except in case of *ad hoc* employees, is already under challenge in Writ Petition (S/B) No.328 of 2026, wherein



counter-affidavit has been invited from the respondents. The petitioner had pointed out the said fact to respondent no.4, but ignoring the same, the impugned order has been passed.

8. Learned State Counsel submits that while the petitioner was serving on contractual basis, the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017 were not applicable because she was not considered a government servant.

9. The purpose of prescribing a specified period of service at remote places under the provisions of the Transfer Act, as also under the circular issued by the Department, as rightly contended by learned counsel for the petitioner, is to ensure that every employee serves the State at remote places also. It has also been rightly contended by learned counsel for the petitioner that the service so rendered cannot be distinguished from the service rendered at remote places after regularization inasmuch as thereby no monetary benefit or any other service benefit is claimed by an employee. The Transfer Act does not make any distinction in the service rendered during the contractual period or service rendered as a regular employee. Consequently, the impugned order



cannot be sustained and is, hereby, quashed.

10. The respondents- State is directed to pass a fresh order on the representation of the petitioner by counting the service rendered by the petitioner as contractual employee at remote places. It is clarified that the present direction for counting the service rendered by the petitioner at remote places as contract employee would not entitle the petitioner to any monetary benefit, nor for any other service benefit.

11. Meanwhile, the petitioner shall be permitted to continue at Rudrapur, in case the post is still vacant.

12. The writ petition is disposed of in the above terms.

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

MANOJ KUMAR GUPTA, C.J.

SIDDHARTHA SAH, J.

Dated: 25th August, 2026

NISHANT

NISHANT
KUMAR