2026:AHC-LKO:41278

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 6106 of 2026

Dushyant Kumar

.....Petitioner(s)

Versus

State Of U.P. Thru. Chief Secy., Govt. Of U.P., Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aditya Mohan, Jaiyesh Bhoosreddy
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Aditya Mohan, learned counsel for the petitioner and Ms. Deep Shikha-II, learned Chief Standing Counsel for the State.

2. Present petition has been filed for following reliefs;

(a) Issue a writ, order or direction in the nature of Certiorari quashing the impugned transfer order dated 31.05.2026 issued by Respondent No. 2 Principal Secretary, Department of MSME & Export Promotion, Government of Uttar Pradesh, Lucknow, transferring the Petitioner from Deputy Commissioner, District Industries Promotion and Entrepreneurship Development Centre, Firozabad to Deputy Commissioner, Directorate of Industries and Enterprises Promotion (Headquarters), Kanpur, annexed as Annexure No.1 to this writ petition.

b) Issue a writ, order or direction in the nature of Certiorari quashing the impugned transfer order dated 31.05.026 issued by Respondent No. 2, Principal Secretary, Department of MSME & Export Promotion, Government of Uttar Pradesh, Lucknow, transferring Respondent No. 4 from Deputy Commissioner, Directorate of Industries and Enterprises Promotion (Headquarters), Kanpur to Deputy Commissioner, District Industries Promotion and Entrepreneurship Development Centre, Firozabad as Annexure No.2 to this writ petition.

c) Issue a writ, order or direction in the nature of Mandamus directing the Respondents to post the Petitioner either at District Firozabad or at District Bulandshahar or any district adjoining Bulandshahar in terms of Clause 5(iii) of the Transfer Policy 2026-27 issued by Respondent No. 1 Chief Secretary, Government of Uttar Pradesh;

3. Learned counsel for the petitioner submitted that he was transferred from Manpuri to Firozabad on 14.08.2023. Thereafter on the basis of complaint, an inquiry was initiated against him and thereafter Additional Commissioner, Directorate of Industries and Enterprises, Kanpur was nominated as inquiry officer and the petitioner was attached at headquarter at Kanpur vide order dated 01.01.2025 which was challenged by the petitioner before this Court by way of Writ A No.629 of 2025 which was disposed of by this Court vide order dated 06.02.2025 permitting the petitioner to file a representation before the concerned authority with further direction that for a period of six weeks or till decision is taken on the representation of the petitioner, he

will not be forced to join at the transferred place. In pursuance of the order dated 06.02.2025, the petitioner had filed a representation before the concerned authority which was rejected vide order dated 07.03.2025 thereafter the petitioner was permanently transferred from Firozabad to Kanpur which is the present case.

4. Learned counsel for the petitioner submitted that the impugned order is suffered from malafide and also in violation of transfer policy. He further submitted that wife of the petitioner is posted in District Bulandshahar, therefore, the petitioner could have been transferred near Bulandshahr or he should be allowed to continue at district Firozabad. In support of his contention, learned counsel for the petitioner has relied upon the judgement of the Apex Court in **Somesh Tiwari vs Union of India and others; (2009) 2 SCC 592,** wherein the Apex Court observed that where the transfer order was passed not in administrative exigency but due to malafide exercise of power then transfer order deserves to be quashed.

5. Per contra, learned Chief Standing Counsel vehemently opposed the prayer and submitted that it is clear from the order dated 07.03.2025, the allegation against the petitioner was that he was involved in corrupt practice which was prima facie found to be correct in preliminary inquiry therefore, direction was issued to conduct regular inquiry. In regular inquiry, it was found that the posting of the petitioner at Firozabad was prejudicial to the inquiry therefore the petitioner was earlier attached at Kanpur headquarter as the inquiry officer himself posted at Kanpur which would be also convenient for the petitioner. Therefore, there is no malafide on the part of the authority concerned.

6. Considering the aforesaid submission and taking into account, the inquiry has been pending against the petitioner regarding corrupt practice during his posting at Firozabad. Therefore, the authority is well within right to transfer the petitioner from Firozabad to Kanpur or any other place so that the petitioner may not affect the inquiry even otherwise there is nothing on record that the petitioner was transferred with malafide intention. So far as contention of the petitioner is that the wife of the petitioner has been posted as Assistant Teacher at Bulandshahr is concerned that is separate thing for which petitioner has remedy to approach the concerned authority in view of transfer policy.

7. Therefore, this Court does not find any illegality in the transfer order. Accordingly the present petition is **dismissed**.

June 17, 2026
A.Kr*

(Arun Kumar Singh Deshwal,J.)

Digitally signed by :-
AJAY KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench