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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 03.11.2022

+ W.P.(C) 15205/2022

STATE OF WEST BENGAL

..... Petitioner

versus

RENU SOGAN & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Pawan Singh Bindra, Senior Advocate with Mr. Ravinder Singh and Ms. Raveesha Gupta, Advocates.

For the Respondents: Mr. Apoorv Kurup, Advocate with Ms. Damini Garg, Advocate (GP).

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 46997/2022 (for exemption)

Allowed, subject to all just exceptions.

W.P.(C) 15205/2022 & CM APPL. 46998/2022 (for stay)

1. Petitioner – State of West Bengal impugns order dated 31.08.2022, whereby the Original Application ('OA') filed by respondent No.1 has been allowed.
2. Respondent No.1 had impugned the order dated 01.09.2021 passed by the petitioner whereby, the request of the respondents for grant of No

Objection Certificate ('NOC') for an inter cadre transfer on the ground of marriage was declined.

3. Respondent No.1 is an IAS Officer of 2019 batch and was allotted West Bengal Cadre vide order dated 17.10.2019. While being on probation and undergoing IAS professional course phase-I training, she got married on 01.11.2019 to Sh. Hitesh Kumar Meena, an IAS Officer of the same batch but of Haryana Cadre.

4. The husband of respondent No.1 is presently posted at Amabala City in Haryana. Subsequent to her marriage, respondent No.1 made an application on 04.11.2019 to the petitioner - State of West Bengal requesting for an inter cadre transfer to the cadre of her husband i.e., State of Haryana.

5. NOC has been issued by the Government of Haryana by its letter dated 28.11.2019, however, the petitioner rejected the request of respondent No.1 for issuance of NOC by order dated 05.02.2020.

6. Respondent No.1 impugned the said decision by filing an OA before the Tribunal being OA No. 365/2021, which was disposed of by order dated 15.06.2021 directing the petitioner to consider the request of respondent No.1 for issuance of no objection, keeping in view the guidelines issued by the Government and the judgments of the Tribunal as well as this Court and the Supreme Court on similar cases.

7. The request was once again rejected by order dated 01.09.2021, which was impugned before the Tribunal by the subject OA.

8. The Tribunal has relied upon the order of the Supreme Court in

Civil Appeal No(s). 2425/2022 in *The State of West Bengal vs. Reena Joshi and Another* decided on 26.04.2022 and the order of this Court in W.P.(C) 2262/2022 in *Government of West Bengal vs. Arsh Verma and Others*, W.P.(C) 4048/2021 in *State of West Bengal vs. Gandharva Rathore & Others*, W.P. (C) 13444/2019 titled as *Bhavna Gupta vs. The Union of India and Others*, W.P.(C) 3927/2020 titled as *Loganayagi Divya V. vs. Union of India and Others* and W.P.(C) 11966/2018 titled as *The State of West Bengal vs. Raj Karan Nayyar and Another*. Following the said decisions, the Tribunal has allowed the OA.

9. In identical circumstances, this Bench also by judgment dated 17.08.2022 in W.P.(C) 11278/2022 titled *State of West Bengal vs. Alankrita Pandey & Ors.*, rejected a similar petition filed by the petitioner and directed the petitioner to issue a NOC within two weeks, failing which, it would be deemed that the officer stood relieved.

10. Reliance placed by learned senior counsel for the petitioner on Rule 5(2) of the Indian Administrative Service (Cadre) Rules, 1954 and further issue with regard to shortage of officers in the West Bengal Cadre and the offer of the petitioner for an inter cadre transfer being made *qua* the husband have already been dealt with by the Supreme Court in *The State of West Bengal vs. Reena Joshi & Anr. (supra)*. In respect of the reliance placed by the counsel on Rule 5(2) of the Indian Administrative Service (Cadre) Rules, 1954, it may be noticed that the said issue is under consideration before the Supreme Court. However, the Supreme Court has declined to interfere with the order of transfer, in that case.

11. We notice that the subject case is squarely covered by the decision

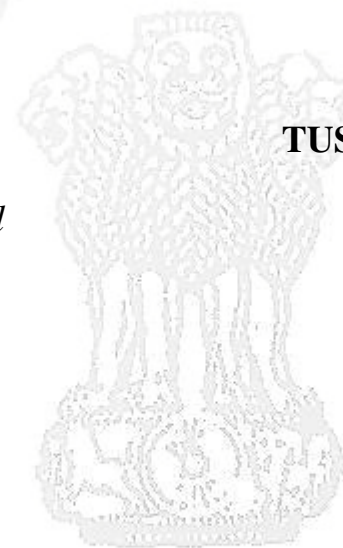
of a Co-ordinate Bench in W.P.(C) 5533/2021 titled *Lakshmi Bhavya Tanneeru vs. Government of West Bengal and Others* dated 16.11.2021, as also the judgment dated 17.08.2022 in *Alankrita Pandey (supra)*.

12. In that view of the matter, we find no merit in the petition. The petition is consequently dismissed.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

NOVEMBER 3, 2022/nd



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