HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14079/2015

Smt Indu Bala Pareek aged about 48 years, wife of Dr. Ajay Purohit, R/o 79, Devi Nagar, New Sanganer Road, Jaipur

----Petitioner

Versus

1. The State of Rajasthan through its Secretary, Secondary Education Department, Government of Rajasthan, Secretariat, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner
3. Deputy Director (Personnel), Siksha Sankulan, JLN Marg, Jaipur
4. Shri Kripal Singh son of Shri Dafedar Singh, aged about 59 years, R/o 42 B, Kalyan Colony, Tonk Pathak, Jaipur.

----Respondents

With

S.B. Civil Writ Petition No.10765/2018

S.B. Civil Writ Petition No.14889/2018

S.B. Civil Writ Petition No.16278/2018

S.B. Civil Writ Petition No.16960/2018

S.B. Civil Writ Petition No.17318/2018

S.B. Civil Writ Petition No.18279/2018

S.B. Civil Writ Petition No.19010/2018

S.B. Civil Writ Petition No.17014/2019

S.B. Civil Writ Petition No.7083/2021

S.B. Civil Writ Petition No.8974/2022

S.B. Civil Writ Petition No.10071/2022

S.B. Civil Writ Petition No.10946/2022

S.B. Civil Writ Petition No.15934/2022

S.B. Civil Writ Petition No.1796/2023

S.B. Civil Writ Petition No.4333/2024

S.B. Civil Writ Petition No.4409/2024

S.B. Civil Writ Petition No.5328/2024

S.B. Civil Writ Petition No.5541/2024

S.B. Civil Writ Petition No.5828/2024

S.B. Civil Writ Petition No.9411/2024

S.B. Civil Writ Petition No.10349/2024

S.B. Civil Writ Petition No.12328/2024

S.B. Civil Writ Petition No.12439/2018

S.B. Civil Writ Petition No.14414/2018

S.B. Civil Writ Petition No.19716/2018

S.B. Civil Writ Petition No.12844/2019

S.B. Civil Writ Petition No.4764/2020

S.B. Civil Writ Petition No.14038/2021

S.B. Civil Writ Petition No.18827/2022

S.B. Civil Writ Petition No.12540/2023

S.B. Civil Writ Petition No.13775/2023

S.B. Civil Writ Petition No.13781/2023

S.B. Civil Writ Petition No.13790/2023

S.B. Civil Writ Petition No.13815/2023

S.B. Civil Writ Petition No.14377/2023

S.B. Civil Writ Petition No.4886/2024

S.B. Civil Writ Petition No.5402/2024

S.B. Civil Writ Petition No.5901/2024

S.B. Civil Writ Petition No.9409/2024

S.B. Civil Writ Petition No.10085/2024

S.B. Civil Writ Petition No.11336/2024

S.B. Civil Writ Petition No.13480/2024

S.B. Civil Writ Petition No.2852/2022

S.B. Civil Writ Petition No.8791/2022

S.B. Civil Writ Petition No.8848/2022

S.B. Civil Writ Petition No.9070/2022

S.B. Civil Writ Petition No.10968/2022

S.B. Civil Writ Petition No.6023/2024

S.B. Civil Writ Petition No.6904/2024

S.B. Civil Writ Petition No.19035/2018

S.B. Civil Writ Petition No.21047/2018

S.B. Civil Writ Petition No.25179/2018

S.B. Civil Writ Petition No.8896/2020

S.B. Civil Writ Petition No.5033/2021

S.B. Civil Writ Petition No.1962/2022

S.B. Civil Writ Petition No.7597/2022

S.B. Civil Writ Petition No.11743/2022

S.B. Civil Writ Petition No.4734/2023

S.B. Civil Writ Petition No.6009/2023

S.B. Civil Writ Petition No.6732/2023

S.B. Civil Writ Petition No.6734/2023

S.B. Civil Writ Petition No.8062/2023

S.B. Civil Writ Petition No.8963/2023

S.B. Civil Writ Petition No.12084/2023

S.B. Civil Writ Petition No.13456/2023

S.B. Civil Writ Petition No.13705/2023

S.B. Civil Writ Petition No.17042/2023

S.B. Civil Writ Petition No.17744/2023

S.B. Civil Writ Petition No.17771/2023

S.B. Civil Writ Petition No.17807/2023

S.B. Civil Writ Petition No.18474/2023

S.B. Civil Writ Petition No.705/2024

S.B. Civil Writ Petition No.3554/2024

S.B. Civil Writ Petition No.3572/2024

S.B. Civil Writ Petition No.3605/2024

S.B. Civil Writ Petition No.3816/2024

S.B. Civil Writ Petition No.7000/2024

S.B. Civil Writ Petition No.7831/2024

S.B. Civil Writ Petition No.10196/2024

S.B. Civil Writ Petition No.10904/2024

S.B. Civil Writ Petition No.11047/2024

S.B. Civil Writ Petition No.12699/2024

S.B. Civil Writ Petition No.14098/2024

S.B. Civil Writ Petition No.14585/2024

S.B. Civil Writ Petition No.14878/2024

S.B. Civil Writ Petition No.15253/2018

S.B. Civil Writ Petition No.16934/2018

S.B. Civil Writ Petition No.18515/2018

S.B. Civil Writ Petition No.18936/2018

S.B. Civil Writ Petition No.22558/2018

S.B. Civil Writ Petition No.23122/2018

S.B. Civil Writ Petition No.13808/2019

S.B. Civil Writ Petition No.189/2020

S.B. Civil Writ Petition No.5441/2020

S.B. Civil Writ Petition No.6791/2020

S.B. Civil Writ Petition No.12153/2020

S.B. Civil Writ Petition No.12049/2021

S.B. Civil Writ Petition No.7905/2022

S.B. Civil Writ Petition No.8950/2022

S.B. Civil Writ Petition No.10261/2022

S.B. Civil Writ Petition No.10262/2022

S.B. Civil Writ Petition No.10370/2022

S.B. Civil Writ Petition No.10422/2022

S.B. Civil Writ Petition No.10455/2022

S.B. Civil Writ Petition No.10774/2022

S.B. Civil Writ Petition No.10814/2022

S.B. Civil Writ Petition No.14192/2022

S.B. Civil Writ Petition No.15952/2022

S.B. Civil Writ Petition No.16182/2022

S.B. Civil Writ Petition No.18113/2022

S.B. Civil Writ Petition No.18171/2022

S.B. Civil Writ Petition No.18506/2022

S.B. Civil Writ Petition No.18833/2022

S.B. Civil Writ Petition No.279/2023

S.B. Civil Writ Petition No.1216/2023

S.B. Civil Writ Petition No.1404/2023

S.B. Civil Writ Petition No.1420/2023

S.B. Civil Writ Petition No.2143/2023

S.B. Civil Writ Petition No.4121/2023

S.B. Civil Writ Petition No.8724/2023

S.B. Civil Writ Petition No.15978/2023

S.B. Civil Writ Petition No.3512/2024

S.B. Civil Writ Petition No.4650/2024

S.B. Civil Writ Petition No.5360/2024

S.B. Civil Writ Petition No.5796/2024

S.B. Civil Writ Petition No.6218/2024

S.B. Civil Writ Petition No.8010/2024

S.B. Civil Writ Petition No.16192/2018

S.B. Civil Writ Petition No.18686/2018

S.B. Civil Writ Petition No.19954/2018

S.B. Civil Writ Petition No.22301/2018

S.B. Civil Writ Petition No.23754/2018

S.B. Civil Writ Petition No.24709/2018

S.B. Civil Writ Petition No.6935/2019

S.B. Civil Writ Petition No.11240/2019

S.B. Civil Writ Petition No.14471/2019

S.B. Civil Writ Petition No.16294/2019

S.B. Civil Writ Petition No.1082/2020

S.B. Civil Writ Petition No.6283/2020

S.B. Civil Writ Petition No.12454/2020

S.B. Civil Writ Petition No.14189/2020

S.B. Civil Writ Petition No.418/2021

S.B. Civil Writ Petition No.684/2021

S.B. Civil Writ Petition No.6020/2021

S.B. Civil Writ Petition No.13258/2021

S.B. Civil Writ Petition No.1782/2022

S.B. Civil Writ Petition No.2397/2022

S.B. Civil Writ Petition No.4184/2022

S.B. Civil Writ Petition No.17302/2022

S.B. Civil Writ Petition No.13273/2023

S.B. Civil Writ Petition No.17200/2023

S.B. Civil Writ Petition No.4480/2024

S.B. Civil Writ Petition No.14125/2024

S.B. Civil Writ Petition No.14305/2024

S.B. Civil Writ Petition No.18621/2024

S.B. Civil Writ Petition No.8682/2018

S.B. Civil Writ Petition No.13209/2018

S.B. Civil Writ Petition No.5546/2020

S.B. Civil Writ Petition No.15638/2022

S.B. Civil Writ Petition No.12988/2023

S.B. Civil Writ Petition No.6250/2024

S.B. Civil Writ Petition No.11182/2018

S.B. Civil Writ Petition No.20415/2018

S.B. Civil Writ Petition No.21658/2018

S.B. Civil Writ Petition No.26565/2018

S.B. Civil Writ Petition No.1501/2019

S.B. Civil Writ Petition No.2287/2019

S.B. Civil Writ Petition No.12213/2019

S.B. Civil Writ Petition No.12424/2019

S.B. Civil Writ Petition No.20767/2019

S.B. Civil Writ Petition No.1896/2020

S.B. Civil Writ Petition No.1981/2020

S.B. Civil Writ Petition No.2931/2020

S.B. Civil Writ Petition No.3763/2020

S.B. Civil Writ Petition No.5842/2020

S.B. Civil Writ Petition No.7790/2020

S.B. Civil Writ Petition No.7909/2020

S.B. Civil Writ Petition No.8100/2020

S.B. Civil Writ Petition No.8245/2020

S.B. Civil Writ Petition No.10192/2020

S.B. Civil Writ Petition No.13686/2020

S.B. Civil Writ Petition No.12833/2021

S.B. Civil Writ Petition No.13705/2021

S.B. Civil Writ Petition No.8220/2022

S.B. Civil Writ Petition No.14286/2022

S.B. Civil Writ Petition No.16357/2023

S.B. Civil Writ Petition No.18152/2023

S.B. Civil Writ Petition No.20381/2023

S.B. Civil Writ Petition No.1094/2024

S.B. Civil Writ Petition No.2530/2024

S.B. Civil Writ Petition No.3366/2024

S.B. Civil Writ Petition No.3830/2024

S.B. Civil Writ Petition No.12713/2024

S.B. Civil Writ Petition No.16361/2024

For Petitioner(s) : Ms. Shoba Sharma for
Mr. Gaurav Sharma
Mr. Vijay Pathak
Mr. Dinesh Yadav
Mr. Sunil Kumar Singodiya
Mr. Sandeep Garssa
Mr. Suresh Kumar
Mr. Kartar Singh Faujdar
Mr. Ram Pratap Saini
Mr. Asgar Khan
Mr. Pawan Sharma for
Mr. Ashok Bansal
Ms. Purvi Gupta for
Mr. Shiv Charan Gupta
Mr. Vinod Kumar Sharma
Mr. Punit Singhvi
Ms. Gunjan Sharma
Mr. R D Meena
Mr. Laxmi Kant Malpura
Mr. Ashish Gausinga
Mr. Prem Shanker Sharma
Mr. Dharmendra Joshi
Ms. Komal Kumari Giri
Mr. R K Gouttam
Mr. Devkrishna Purohit
Mr. M S Raghav
Mr. Tanveer Ahamad
Mr. Digvijay Singh
Mr. Dilip Singh Kurka
Mr. N K Meena
Mr. Sandeep Kalwaniya
Mr. Pradeep Mathur

Mr. Arvind Gurjar
Mr. Ashok Yadav
Mr. Abhishek Singh Dewanda with
Mr. Ankit Swami
Mr. Koslesh Kumar Bairwa
Mr. Babu Lal Bairwa
Mr. D N Sharma
Mr. Ram Dev Potalia
Mr. Ashindra Gautam
Ms. Suman Sharma
Mr. Rahul Kamwar
Mr. Vikash Kumar Jakhar
Mr. Rahmat Ali
Mr. Lalit Sharma
Mr. Kapil Kulhar
Mr. Rajeev Bhushan Bansal
Mr. Suresh Khileri
Mr. Shivatma Kumar Tank with
Ms. Neha Godara
Mr. Tarun Verma
Mr. Manish Kumar Sharma
Mr. Akarsh Mathur
Mr. Yellop Singh
Mr. Shovit Jhajharia
Mr. Vipin Sharma
Mr. Sukhdev Singh Solanki
Mr. Sudhir Gupta
Mr. Dharam Chand Jain
Mr. Rachit Sharma
Mr. Atul Kumar Jain
Mr. Dinesh Yadav
Ms. Shital Mirdha
Mr. Hanuman Choudhary
Mr. Bajrang Sepat
Mr. Narpat Singh Shekhawat
Mr. Praveen Sharma
Mr. Sanjay Mehla with
Ms. Sunita Mehla
Mr. Nagendra Sharma
Ms. Sunita Sharma
Mr. Virender Godara
Mr. Deepak Bishnoi
Mr. Gopendra Singh Shekhawat
Mr. Ajay Shukla
Mr. Yash Joshi
Mr. Syed Adeel Naqvi
Mr. Aman Ali
Mr. Raj Kumar Kasana
Mr. Raj Dev Tripathi
Mr. Neeraj Kumar Sharma
Mr. Kailash Chand Katara
Mr. Akshit Gupta

Mr. Mahendra Sharma
Mr. R B Sharma Ganthola
Mr. Banwari Lal Sharma
Mr. Namo Narayan Sharma
Mr. Shree Narayan Swami
Mr. Prahlad Sharma
Mr. Sanjay Kumar Sharma
Mr. Ravi Kant Sharma
Mr. Ankit Sethi
Mr. B B L Sharma
Mr. Raj Sharma
Mr. Durga Prasad Sharma
Mr. Akhil Simlote
Mr. Deen Dayal Sharma
Mr. Manoj Kumar Avasthi
Mr. Rajendra Prasad Sharma
Mr. Jetinder Kumar Saini
Mr. Sukhraj Singh Rathore
Mr. Virendra Singh
Mr. Raghu Nandan Sharma
Mr. Rajneesh Gupta
Mr. Dheeraj Kumar Palia
Mr. Prashant Vijay
Mr. Vikas Jakhar
Mr. Kuldeep Singh Punia
Mr. Dinesh Kumar Saini
Mr. Jai Kishan Yogi
Mr. Bhupendar Kumar Sharma
Mr. Mamraj Gurjar with
Ms. Anushka Dikshit

For Respondent(s) : Mr. Basant Singh Chhaba, AAG with
Mr. Rahul Gupta
Mr. Aniket Baniwal
Mr. Ramdhan
Mr. G.S. Gill, AAG with
Mr. Surya Pratap Singh
Mr. Sandeep Taneja, AAG
Ms. Sara Parveen for
Mr. Kapil Prakash Mathur, AAG
Ms. Mahi Yadav, AAG with
Ms. Manaswita Nalwal
Ms. Aditi Vats for
Mr. Bharat Vyas, AAG
Mr. Yash Joshi for
Mr. Vigyan Shah, AAG
Mr. Shamee Khan for
Mr. Bhuvnesh Sharma, AAG
Mr. Manoj Sharma, AAG with
Mr. S.M. Sharma
Mr. Aditya Sharma for
Mr. Keshar Singh Shekhawat, AGC
Mr. Archit Bohra, AGC

Mr. Sumit Teterwal, CGSPC
Mr. Sanjay Bharti, Dy.GC
Mr. Gopal Krishna Sharma, AGC
Ms. Anjum Parveen Salawat for
Ms. Namita Parihar, Dy.GC
Ms. Manju Joshi, AGC with
Mr. Shriram Jakhar
Mr. Akash Gaur, Dy.GC
Ms. Harshita Thakral for AG
Mr. Shreyans Jain for
Mr. Amit Lubhaya

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

20/12/2024

1. Vide order dated 02.12.2024 passed in **SB Civil Writ Petition No.4880/2024** titled as **Krishan Kumar Vs. Addl. Director and Anr.,** Registrar (Judicial) was directed to list all the matters pertaining to transfer, APO, deputation and allied issues which were pending from a long period before appropriate Court.

2. In compliance of the aforementioned directions, the Registry has listed all the matters pertaining to transfer, APO, deputation of the employees/petitioners or allied matters, as under Code 510 list.

3. At the outset, it is noted that the Hon’ble Apex Court, through a plethora of judgments, has time and again held that the permissibility and scope of judicial review against transfer orders is minuscule. The rationale exercised to circumscribe the Courts interference with transfer orders whilst exercising writ jurisdiction, primarily pertains to the fact that a bedlam of an aggravated magnitude shall ensue within the workings of the Government, if

all employees, posted at a location of their liking, refuse to and/or contest their postings, when issued on account of administrative exigencies. Inevitably, the only scope of interference subsists in an eventuality where the transfer orders are issued on account of certain malafides, at the end of the transferring authority.

4. By logical deduction, it is made rather obvious that no Government will be able to smoothly function if the Government Servants insist that once appointed or posted in a particular place, they should continue at such place, as long as they desire whilst meeting out their individualistic and familial ease. The fact of the transfer being an indispensable part of an employee's service is of paramount importance, which often loses favorability at the end of the employee, when they become comfortable with the place of their choosing.

5. It is noted that a government employee, posted at a location of their choice, does not have the fundamental protection to continue serving at the said location, especially in light of the fact that the incident of transfer, is a part and parcel of the conditions of service, when employed on a transferable post. It is true that the order of transfer often causes a lot of difficulties and dislocation in the family set up of the concerned employees but on that score alone, the order of transfer cannot be struck down. Administrative exigencies ought to prevail and/or take precedence over the familial and individualistic priorities of the employees posted on transferable jobs. The only eventuality, where the Courts may extend interference in transfer orders, is when the transfer orders violate an applicable statute or are passed on

account of certain malice. In the matters in hand it is noteworthy that the petitions pertain to the period in-between 2015-2024, thence much water has flown.

6. In support of the aforesaid reliance can be placed upon the dictum of the Hon'ble Apex Court as enunciated in **Shilpi Bose (Mrs.) and Ors. vs. State of Bihar and Ors**. reported in **1991 Supp. (2) SCC 659, Varadha Rao vs. State of Karnataka and Ors** reported in **(1986) 4 SCC 131, Rajendra Roy vs. Union of India and Anr.** reported in **(1993) 1 SCC 148, National Hydroelectric Power Corporation Ltd. vs. Shri Bhagwan** reported in **(2001) 8 SCC 574, S.K. Nausad Rahaman vs. Union of India and Ors**. reported in **(2022) 12 SCC 1, State of Uttar Pradesh and Ors. Vs. Gordhan Lal** reported in **2004 (11) SCC 42** and **Union of India Vs. S.L. Abbas** reported in **1993 (4) SCC 357,** and it can be deduced that transfer is an incidence of service and it is not an absolute right of an employee to remain at single place of posting and the employee can be rotated/transferred considering administrative exigencies, public interest, etc. by the competent authority.

7. The relevant extract from **Shilpi Bose (Supra)** is reproduced herein below:

> *"4. In our opinion, the Courts should not interfere with a transfer Order which are made in public interest and for administrative reasons unless the transfer Orders are made in violation of any mandatory statutory Rule or on the ground of malafide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be*

transferred from one place to the other. Transfer Orders issued by the competent authority do not violate any of his legal rights. Even if a transfer Order is passed in violation of executive instructions or Orders, the Courts ordinarily should not interfere with the Order instead affected party should approach the higher authorities in the Department. If the Courts continue to interfere with day-to-day transfer Orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court over looked these aspects in interfering with the transfer Orders."

8. Qua the instant batch of petitions, it is analyzed that the petitions are pending from a prolonged time after getting ex-parte interim orders or stay orders. Illustratively, the writ petitioners in **S.B. Civil Writ Petition No(s). 14079/2015, 10765/2018, 14889/2018** upon attaining interim protection(s), have not made efficacious efforts to contest the matter further, for a period of approximately five years and above. The general practice qua transfers, APOs, deputations is that the transfer orders qua a personnel is passed as per the Annual General Transfer Policy within a period of three to five years of service or considering the unforeseeable administrative exigencies. However, the aggrieved employees upon attaining the interim orders/protections in their favor, let the petitions stale in the dockets of Registry.

9. Having made the observations noted herein-above regarding the scope of judicial review/interference in transfer orders, this Court deems it appropriate to dispose of the instant bunch of

petitions with directions to the petitioners to file a representation before the concerned respondents/appropriate authority within a period of fortnight; and the respondents are directed to adjudicate the said representation within an upper limit of thirty days thereafter, strictly in accordance with law, following the ratio encapsulated in **Shilpi Bose (Supra),** the governing policy and the administrative exigencies.

10. It is made clear that on the forty-fifth day from the date of passing of this judgment, the interim order(s), if any, operative shall lapse and stand inoperative.

11. In light of the aforementioned, the instant batch of petitions shall stand disposed of with the above-stated directions. Pending applications, if any, shall stand disposed of.

(SAMEER JAIN),J

JKP/DEEPAK/56, 59-68, 70-73, 75-82, 85, 88-92, 98, 102-107, 109-110, 112, 114-117, 120-124, 129-130, 134-136, 142-146, 151-155, 158, 161-163, 171, 175-177, 179, 197, 199-207, 209-212, s-400-410, 415, 417-428, 430-438, 440-442, 445-450, 454-465, 468-472, 474-477, 479, 481-482, 485,-487, 489-492, 494, 496, 498, 503-508, 512-514, 518-519, 521-523, 527, 529-533, 536-539, 543-544, 553-558, 562