

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6428 OF 2025

Mohammad Qadir Siddiqui ... Petitioner
Versus
Union of India Respondent

Ms.Sana Raees Khan a/w Mr.Ravi Mishra, Ms.Neha Balani, for the
Petitioner.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 09th JUNE, 2025

ORAL ORDER (PER M.S. KARNIK, J.) :

1. The petitioner has invoked the writ jurisdiction of this Court under Articles 226 and 227 of the Constitution of India challenging the transfer order issued against him. The petitioner is serving as Lance Naik in the Defence Security Corps (DSC) and is presently posted at DSC PI, ARDE (DRDO), Pune. The petitioner is posted at Pune since 20/09/2021. It is submitted by learned counsel for the petitioner that the transfer of the petitioner to INS Rajali, Arakkonam which is located 2,200 km away from his home region falls outside the designated zone which would be a grave hardship.

It is submitted that as a result of abrupt posting order dated 12/02/2025 which is violative of the Zonal Posting Policy, personal inconvenience is caused to the petitioner as his son is in 10th standard. Learned counsel for the petitioner submitted that on humanitarian ground at least, the petitioner be retained in the present posting at Pune till April 2026 i.e. till his sons 10th standard examination is over. Learned counsel for the petitioner then submitted that transfer order is violative of the Zonal Posting Policy as applicable to DSC personnel. As per the guidelines, 60% of the personnel are to be posted within their home zone and due consideration is to be given to preferences submitted. Despite the submission of preferred locations such as Pune, Kanpur, Allahabad, Bhopal, Bharatpur and Jaipur, none were considered and the transfer to Tamil Nadu violates the principle laid down in the policy.

2. We heard learned counsel for the petitioner at length. It is pertinent to note that pursuant to the transfer/posting order dated 12/02/2025, the petitioner had approached this Court by filing Writ Petition No. 4395 of 2025. By an order dated 03/04/2025, this Court disposed of the petition in terms of the following order.

“1. The Petitioner is under transfer order. It is contended that his son has entered the 10th Standard and he would be appearing for the final exams in March-April, 2026. An application has recently been made before the concerned authority.

2. In such circumstances, we are not issuing a Writ of Mandamus, since the Authority has already received the representation.

3. This Petition is disposed off.”

3. The representation made by the petitioner was disposed of on 29/03/2025. It is however submitted by learned counsel for the petitioner that the said order dated 29/03/2025 was communicated to the petitioner after the petition is filed. The representation of the petitioner was duly considered and extension of station tenure for (2nd spell) of the petitioner was approved by the competent authority upto 30/06/2025. The petitioner was accordingly requested to join his new duty on 01/07/2025 positively. In the facts and circumstances of the present case, considering the nature of post held by the petitioner, nature of duties discharged by him and also having regard to the fact that request made by the petitioner has been positively considered by authority to some extent, the submission of learned counsel that the policy is breached is not sufficient for this Court to render a finding that transfer order is arbitrary or malafide. No doubt, inconvenience may be caused to the petitioner on the ground of

his son taking education in the 10th standard, but we do not want to interfere in such matters where we will have to substitute our opinion for that of the competent authority. Moreover, the petitioner is posted at Pune since 20/09/2021 for a period of more than three and half years as the transfer order obviously is issued in the interest of the administration. Consequently, we do not find any merit in the writ petition.

4. The writ petition is disposed of.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)