



2025:DHC:9701-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16583/2025, CM APPL. 67913/2025 & CM APPL. 67914/2025

DR. ADITYA SEHRAWATPetitioner
Through: Mr. Nikhil Bhardwaj, Adv.
versus
UNION OF INDIA AND ORSRespondents
Through: Ms. Avshreya Pratap Singh
Rudy, CGSC with Ms. Usha Jamnal, Mr.
Mohammad Junaid Mahmood, and Ms.
Prajna Pandita, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% **03.11.2025**

C. HARI SHANKAR, J.

1. The petitioner assails the order dated 21 March 2025 issued by the Commandant (Pers-1) in the Office of the Director General, Sashastra Seema Bal¹, whereby the transfer of the petitioner, serving as Deputy Commandant (Medical) from the 20th Battalion Sitamarhi Bihar to the SSB Academy at Bhopal has been affirmed and approved.

2. We may note that, though the petitioner was officially posted with the 20th Battalion, SSB Sitamarhi, he was attached to the SSB Delhi, apparently because he was undergoing treatment following liver transplant at the Institute of Liver and Biliary Sciences², Delhi.

¹ "SSB", hereinafter

² "ILBS", hereinafter



3. The petitioner challenges the aforementioned transfer from Delhi to Bhopal on various grounds. We have heard Mr. Nikhil Bhardwaj, learned Counsel for the petitioner and Ms. Avshreya Pratap Singh Rudy, learned CGSC for the respondents.

4. Mr. Bhardwaj submits, firstly, that the petitioner was having to undergo regular follow-ups at the ILBS, Delhi; the Department of Liver Sciences at All India Institute of Medical Sciences³, Bhopal was inferior to the ILBS, Delhi; and that Dr. V. Pamecha, Professor of Hepato-Biliary and Liver Transplantation Surgery, ILBS had himself advised admission of the petitioner in ILBS, if his condition did not improve.

5. As a subsidiary point, Mr. Bhardwaj has also submitted that his client's father is suffering from "specified disability" within the meaning of Rights of Persons with Disabilities Act, 2016 to the extent of 40% following a polio infection and that, in such circumstances, the petitioner would be entitled, on the basis of Office Memorandum dated 8 October 2018 issued by the Department of Personnel and Training, to seek continuance in Delhi, where he could care for his father. Mr. Bhardwaj submits that the petitioner is the only caregiver of his father as he has a sister who is married and staying in her matrimonial home.

6. We have considered the aforesaid submissions with the attention they deserve, and in the light of the documents before us.



7. We are constrained to observe, at the outset, that we are inundated with petitions, on a daily basis, by personnel in paramilitary forces challenging their transfers.

8. There are specific guidelines which governs such transfers and which set out exhaustively the circumstances in which transfers should be avoided. We have tried our best to ensure that the personnel are not subjected to unnecessary inconvenience and that the guidelines in that regard are scrupulously followed.

9. At the same time, we have to be conscious of the fact that we are dealing with paramilitary forces. The Court cannot be allowed to be treated as a forum, where there is a guarantee against implementation of transfer orders, even where the transfer is not in violation of the guidelines and does not subject the concerned transferee to any irreparable inconvenience.

10. Every person who is undergoing a treatment for a disease in Delhi tends to want to continue to be treated at Delhi. The Court cannot, unfortunately, accede to every such request.

11. In the present case, the documents on record and the situation that they bring to light, do not make out a case to interdict the petitioner's transfer to Bhopal. Bhopal is the capital city of Madhya Pradesh. The fact that Bhopal has optimum medical facilities can hardly be disputed. Bhopal, in fact, also houses an AIIMS. The submission of the petitioner that the Hepatic Sciences Department in AIIMS Bhopal is inferior to the Department in ILBS can hardly be



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countenanced by us, especially under Article 226 of the Constitution of India.

12. Suffice it to state that the petitioner would have enough and more facilities for treatment in Bhopal.

13. We have examined the documents to which Mr. Bhardwaj draws our attention to satisfy ourselves that there was no specific medical opinion to the effect that the petitioner had necessarily to continue his treatment in ILBS Delhi. In fact, the impugned order dated 21 March 2025 has been issued on the basis of the opinion by Dr. V. Pamecha, Professor, Hepato-Biliary and Liver Transplantation Surgery, ILBS, who is admittedly the petitioner's treating doctor. Prof. Pamecha has himself certified that the petitioner can continue regular follow-ups in AIIMS Bhopal at three months' intervals and with ILBS Delhi at six months' interval. Thus, the petitioner's own treating doctor has certified that the treatment of the petitioner can continue at AIIMS Bhopal.

14. Mr. Bhardwaj sought to draw our attention to a prescription of Dr. V. Pamecha with the noting at the foot of the prescription reading "test Monday if does not improve. Admit- liver Rx". That prescription is dated 8 October 2025. Nearly a month has passed since then. Admittedly, the petitioner has not had to be admitted, despite the aforementioned observation contained in the prescription dated 8 October 2025. Clearly, therefore, the petitioner's case is not so critical as would require his admission. In fact, the prescription dated 8 October 2025, if anything, would militate against the petitioner's case that he

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has necessarily to continue treatment in Delhi.

15. Insofar as the petitioner's father is concerned, the certificate of disability of the petitioner's father is of 1981, four years even before the petitioner was born. We are 44 years since that date. We see no reason to allow the petitioner to use the aforesaid certificate of disability of 1981 as a ground to continue to stay in Delhi. We are sanguine that Bhopal would have enough and more medical facilities in order to enable the petitioner to take care of his father.

16. Within the limited parameters of Article 226 of the Constitution of India, therefore, we regret that we are in a position to come to the aid of the petitioner. We reiterate that the Court cannot, in cases of transfer of officials of paramilitary forces, interfere at the drop of a hat. It is only where there is a transgression of established guidelines or a case of extreme hardship such as, for example, a person who may be undergoing treatment for cancer, that the Court can interfere.

17. This case, to our mind, does not constitute a case in which the Court should interdict the petitioner's transfer order.

18. The writ petition is, accordingly, dismissed in *limine*.

C.HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 3, 2025/gunn

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