

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13897 of 2025

Manish Kumar Son of Sakal Dev Bhakata, Resident of Village and P.O.-
Maudan Bujurg, P.S.- Patepur, District - Vaishali at Hajipur, presently posted
as Executive Officer, Nagar Parishad, Buxar, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Under Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
4. The District Magistrate, Buxar, District- Buxar.
5. The District Magistrate, Kishanganj, District- Kishanganj.
6. Kumar Ritwik, Son of not known to the petitioner, Presently transferred to
the post of Executive Officer, Nagar Parishad, Buxar, District - Buxar.
7. Election Commission of India, New Delhi, Nirvachan Sadan, through the
Chief Election Commissioner.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate Mr. Awnish Kumar, Advocate Mr. Kumar Gaurav, Advocate Mr. Vikash Kumar Singh, Advocate Mr. Rishi Raj, Advocate
For the State	:	Mr. Pankaj Kumar, AC to SC-12
For the E.C.I	:	Mr. Siddhartha Prasad, Advocate
For the Respondent no.6	:	Mr. Sanjay Singh, Sr. Advocate Mr. Jitendra Singh, Sr. Advocate Mr. Yash Singh, Advocate Mr. Tej Pratap Singh, Advocate Ms. Snehil Pratik, Advocate
For the Nagar Parishad, Buxar	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
C.A.V. JUDGMENT

Date : 13-01-2026

1. Heard learned counsel for the petitioner, learned
counsel for the State of Bihar and learned Senior counsel for the
respondent no.6.



2. The petitioner has filed the instant application for the following reliefs :-

“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the notification dated 30.06.2025 issued under the signature of the Respondent no.3 and contained in his memo no.7261 dated 30.06.2025 whereby and where under a corrigendum was issued by the Respondent no.3, modifying the place of posting of 24 Executive Officers of different Urban Local Bodies, who were transferred and post, their present place of posting vide notification dated 30.06.2025 issued under the signature of the Respondent no.3 and contained in his memo no.7259 dated 30.06.2025, so far change of place of posting of petitioner and Respondent no.6 is concerned.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 14.08.2025 issued under the signature of the Respondent no.5 and contained in his memo no.2905 dated 14.08.2025, whereby and where under the Respondent no.5 has been pleased to relieve the Respondent no.6 from the post of Executive Officer of Nagar Panchayat , Thakurganj to facilitate his joining as the Executive Officer of Nagar Parishad, Buxar in view of Notification No.7261 dated 30.06.2025 notwithstanding that the transfer order issued by the Respondent nos. 2 and 3 are subject to completion of intensive revision of the electoral



roll and the transfer orders can be made effective either after the work of special intensive revision is over and after necessary permission is received from the Election Commission of India for which the Election Commission has been requested under letter no.7210 dated 30.06.2025.

(III) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the action of Respondent no.6, whereby and where under he has resumed the charges of the office of Executive Officer of Nagar Parishad, Buxar vide his letter no.3726 dated 16.08.2025 even while, the petitioner was on leave for performing the last rituals of his wife, whom the petitioner had unfortunately lost on 03.08.2025 and he was to be performed her last rituals (Sharadh) on 15.08.2025, as also on the ground that the Respondent no.6 was since in hurry to join at Buxar, he had assumed the charges on 16.08.2025 when the office was closed on the occasion of Janmasthanmi.

(IV) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to allow the petitioner to continue as the Executive Officer of Buxar Nagar Parishad in view of his transfer order under memo no.7259 dated 30.06.2025.

(V) For issuance of any other appropriate writ / writs, order / orders direction/ directions for which the writ petitioner would be



found entitled under the facts and circumstances of the case.”

3. The case of the petitioner in brief is that having been appointed as Executive Officer of Urban Local Body, the petitioner started discharging his duties with all sincerity and devotion. His service record is excellent throughout and he has never been subjected to any proceeding even for infliction of a minor punishment. While the petitioner was posted as the Executive Officer, Nagar Parishad, Dumraon, taking into consideration his hard and sincere work as Executive Officer in different Urban Local Bodies, the petitioner was given additional charge of Executive Officer, Nagar Parishad, Buxar vide notification dated 14.6.2025.

4. It is the case of the petitioner that the respondent-Urban Development and Housing Department, Government of Bihar came out with a notification contained in memo no.7259 dated 30.6.2025 transferring the petitioner from Dumraon to the post of Executive Officer of Nagar Parishad, Buxar. On the same day i.e. 30.6.2025, the respondents came out with another notification contained in memo no.7261 dated 30.6.2025 whereby the petitioner's posting was changed from Buxar to Daudnagar and in his place the respondent no.6 who had earlier been transferred from Nagar Panchayat, Thakurganj to Nagar



Parishad, Dehri, Dalmianagar was now transferred to be posted as Executive Officer of Nagar Parishad, Buxar.

5. It is submitted by Mr. S.B.K. Mangalam, learned counsel appearing for the petitioner that clause 2 of the transfer order contained in memo no.7259 dated 30.6.2025 clearly provided that joining as a result of the said transfer could only be done after obtaining permission of the Election Commission of India or on conclusion of the work of Special Intensive Revision (S.I.R.) of the voters list. It is submitted that the petitioner who had on an earlier occasion by order dated 14.6.2025 been given the additional charge and had started working as an Assistant Electoral Registration Officer of Nagar Parishad at Buxar, consequent to his transfer order contained in memo no.7259 dated 30.6.2025 started to function full-fledged as Executive Officer of Nagar Parishad, Buxar. It was for the reason that clause 2 and 3 of the memo no.7259 was not applicable in case of the petitioner.

6. It is further case of the petitioner that the respondent no.6 managed the District Magistrate, Kishanganj and without the conditions mentioned in clauses 2 and 3 of memo no.7259 dated 30.6.2025 having been satisfied, he got himself relieved by order dated 14.8.2025 for his joining at



Buxar. It is further submitted that 15.8.2025 (Independence Day) being a national holiday, the offices were closed on 16.8.2025 also on account of *Anant Pooja*, however the respondent no.6 assumed charge in the office of the Executive Officer, Nagar Panchayat, Buxar unilaterally. At this time, the petitioner was on leave on account of performing the last rituals of his wife which was scheduled for 15.8.2025.

7. Learned counsel for the petitioner further submits that the so-called corrigendum (contained in memo no.7261 dated 30.6.2025) of the original transfer order is not a corrigendum in view of the fact that 126 officers have been transferred from one place to other with the name of the petitioner and the respondent no.6 figuring at serial nos.39 and 125 respectively. It is submitted that in view of the facts and circumstances stated herein above, the corrigendum issued to the original order of transfer, as contained in memo no.7261 dated 30.6.2025, is not sustainable and be quashed. The petitioner also prays for quashing the order dated 14.8.2025 whereby the District Magistrate, Kishanganj relieved the respondent no.6 from the post of Executive Officer of Nagar Panchayat, Thakurganj for his joining at Buxar. It is also prayed that the action of respondent no.6 unilaterally assuming his



charge at Buxar be also quashed. The petitioner further prays for directing the respondent authorities to allow the petitioner to continue to work as Executive Officer of Nagar Parishad at Buxar and allow the instant application.

8. The application is opposed by learned counsel appearing for the State of Bihar. Referring to the counter affidavit filed on behalf of respondent nos.2 and 3 it is submitted that so far as the impugned departmental notification no.7261 dated 30.6.2025 is concerned, the same is merely a corrigendum whereby and whereunder typing errors which had occurred in the departmental notification no.7259 dated 30.6.2025 have been rectified and the petitioner has been transferred and posted to Nagar Parishad, Daudnagar with additional charge of Nagar Panchayat, Barun. By the said corrigendum, the private respondent no.6 has been transferred and posted at Nagar Parishad, Buxar. Learned counsel further submits that the transfers in question are to become effective only after getting permission from the Election Commission of India or on completion of S.I.R. 2025, whichever is earlier. It is submitted that transfer of a government servant is an incidence of service and the same in the instant case is neither punitive in nature nor *malafide*. The State of Bihar is competent to transfer



any government servant in administrative exigency and also in terms of the transfer policy of the State contained in Government Resolution no.434 dated 1.3.2007 as also the Cabinet Secretariat Department's Letter no.881 dated 3.6.2009. It is submitted that the prayer made by the petitioner is not sustainable and hence the writ application be dismissed.

9. Opposing the writ application Mr. Jitendra Singh, learned Senior Counsel appearing for respondent no.6 submits that the petitioner was given the additional charge of Executive Officer, Nagar Parishad, Buxar not on the ground of his hard and sincere work but for the reason that on transfer of the full-fledged Executive Officer, the post of the Executive Officer at Nagar Parishad, Buxar had fallen vacant. It is submitted that as a result of the corrigendum contained in memo no.7261 dated 30.6.2025, the notification contained in memo no.7259 dated 30.6.2025 stood modified and the petitioner has been transferred from Nagar Parishad, Buxar to Nagar Parishad, Daudnagar. By the said corrigendum the transfer of respondent no.6 from Thakurganj to Dalmianagar also stands rectified and he has now been posted as Executive Officer of Nagar Parishad, Buxar.

10. Learned Senior counsel for the respondent no.6 submits that consequent to the issuance of the corrigendum, the



transfer of the petitioner from Dumraon to Buxar was not made operational and the post of the Executive Officer of Nagar Parishad, Buxar was vacant. Thus the respondent no.6 on being relieved went and assumed charge at Buxar. There is no illegality in the same. The Election Commission of India also having issued specific directions contained in letter dated 3.7.2025 that transfer and posting may be made for filling up vacant posts that the respondent no.6 was relieved by the District Magistrate, Kishanganj for giving his joining at Buxar. It is submitted that many Executive Officers of different Urban Local Bodies were relieved from their present place of posting for joining in light of the order of transfer issued by the State Government. So far as challenge to the order of transfer by the petitioner is concerned, the petitioner can succeed only on the merits of his own case and not by making contentions with respect to the illegality in the order of transfer of respondent no.6. It is submitted that transfer is an incidence of service and scope of interference by the Court in such matters is very limited. Reliance has been placed by learned Senior counsel on the judgments of the Hon'ble Supreme Court in the case of **Rajendra Singh vs. State of Uttar Pradesh; (2009) 15 SCC 178** and **State of U.P. vs. Gobardhan Lal; (2004) 11 SCC 402**.



It is finally submitted that so far as the notification dated 5.10.2025 transferring the respondent no.6 from Nagar Panchayat, Thakurganj to petitioner's posting as Project Officer-cum-Deputy Director, Urban Development and Housing Department, Government of Bihar, Patna is concerned, the respondent no.6 has already represented against the same.

11. It may be observed here that by order dated 30.8.2025, the Election Commission of India was added as respondent no.7 in the instant case and by order dated 1.9.2025 four weeks time was granted for filing counter affidavit. No counter affidavit has been filed.

12. Heard learned counsel for the parties and perused the material on record.

13. The relevant facts in brief are that the Urban Development and Housing Department, Government of Bihar came out with a notification no.7259 dated 30.6.2025 under the signature of the Additional Secretary transferring 126 officers of the Bihar Administrative Service to different Urban Local Bodies. The petitioner and the respondent no.6 whose names figure at serial nos.39 and 125 respectively were also transferred. The petitioner was transferred from Nagar Parishad, Dumraon to Nagar Parishad, Buxar while the respondent no.6



from Nagar Panchayat, Thakurganj to Nagar Parishad, Dehri, Dalmianagar.

14. On the same day the respondent-Urban Development and Housing Department, Government of Bihar came out with a corrigendum bearing memo no.7261 dated 30.6.2025. The corrigendum states that certain typographical errors had occurred in notification no.7259 dated 30.6.2025 which was being corrected. By the corrigendum, the petitioner whose name figured at serial no.39 and had been notified to be transferred to Nagar Parishad, Buxar with additional charge of Nagar Panchayat, Chausa was now transferred to Nagar Parishad, Daudnagar with additional charge of Nagar Panchayat, Barun. By this corrigendum, the respondent no.6 whose name figured at serial no.125 was transferred from Nagar Parishad, Dehri, Dalmianagar to Nagar Parishad, Buxar.

15. By order contained in memo no.2905 dated 14.8.2025 issued under the signature of the District Magistrate – cum– Collector, Kishanganj, the respondent no.6 was relieved in the forenoon of 14.8.2025 for giving his joining at his new place of posting i.e. Nagar Parishad, Buxar.

16. As per the case of respondent no.6, he gave his joining at Buxar.



17. It has been contended by learned counsel for the petitioner that by notification dated 14.6.2025, the petitioner had been given the additional charge of Executive Officer, Nagar Parishad, Buxar, however this Court finds that on the respondents coming out with the order of transfer contained in notification no.7259 dated 30.6.2025, the present place of posting of the petitioner (at serial no.39) is shown only to be Nagar Parishad, Dumraon from where he is transferred to Nagar Parishad, Buxar. Further, it was only a few hours later and on the same day that the respondent-Department came out with the corrigendum contained in notification no.7261 dated 30.6.2025 making corrections in the order of transfer of the petitioner from Nagar Parishad, Buxar with additional charge of Nagar Panchayat, Chausa to Nagar Parishad, Daudnagar with additional charge of Nagar Panchayat, Barun. The conclusion which this Court thus draws from these facts is that on the date of transfer i.e. 30.6.2025, the petitioner was not the In-charge of Nagar Parishad, Buxar and further his transfer to Nagar Parishad, Buxar was corrected by the corrigendum on the same day to Nagar Parishad, Daudnagar.

18. So far as the contention on behalf of the petitioner that as per the policy of the State Government in normal



circumstances transfers takes place only after an officer has remained at one place for three years and that the respondent no.6 had remained at Thakurganj for less than three years, the Court finds no merit in the submission. On the date that the respondent came out with the order of transfer vide notification no.7259 dated 30.6.2025, the petitioner had remained as Executive Officer in Nagar Parishad, Dumraon for three years. So far as the respondent no.6 having remained posted at Thakurganj for only two years on the date of his transfer vide Notification no.7259 is concerned, it is not for the petitioner but for respondent no.6 to complain against the same.

19. It was further contended on behalf of the petitioner that by order dated 5.10.2025 of the Urban Development and Housing Department, the respondent no.6 has been transferred and posted as a Project Officer –cum– Deputy Director in the Department and the same has not been challenged by the said respondent. It may be observed here that the instant writ application has not been filed by respondent no.6 but by the petitioner. It is for the petitioner to succeed on the merits of his own case and which cannot be on the weakness of the case of respondent no.6 or his not having challenged any order passed against him. As submitted by learned Senior



Counsel, the respondent no.6 has represented against the said order. The Court thus finds no merit in this submission made on behalf of the petitioner.

20. The next contention on behalf of the petitioner is that by the corrigendum contained in notification no.7261 dated 30.6.2025, the petitioner had been transferred and posted at Nagar Parishad, Daudnagar. The incumbent who had been transferred from Nagar Parishad, Daudnagar to Purnea has obtained an order of stay in a writ application filed in this Court. It is thus submitted that the petitioner would not be able to join his place of posting i.e. at Daudnagar. It may only be observed here that an interim order of stay passed by this Court in favour of an officer posted at Nagar Parishad, Daudnagar would not make the transfer of the petitioner to Nagar Parishad, Daudnagar an illegal order. This cannot be the basis for the petitioner to succeed in the instant writ application. It will be for the petitioner to represent before the respondents for clearing the difficulty that has arisen as a result of the order passed in the connected writ application. The Court finds no merit in this submission also made on behalf of the petitioner.

21. So far as transfers are concerned, the Hon'ble Supreme Court in the case of **N. K. Singh vs. Union of India**;



(AIR 1995 SC 423) held that transfer of a government servant in a transferrable service is a necessary incident of the service career. Several factors are taken into account in a transfer and the only realistic approach is to leave the same to the wisdom of the hierarchical superiors to make the decision. The relevant portion of paragraph no.22 of the judgment is quoted herein below for ready reference :-

“22.....Transfer of a government servant in a transferable service is a necessary incident of the service career. Assessment of the quality of men is to be made by the superiors taking into account several factors including suitability of the person for a particular post and exigencies of administration. Several imponderables requiring formation of a subjective opinion in that sphere may be involved, at times. The only realistic approach is to leave it to the wisdom of that hierarchical superiors to make that decision. Unless the decision is vitiated by mala fides or infraction of any professed norm or principle governing the transfer, which alone can be scrutinised judicially, there are no judicially manageable standards for scrutinising all transfers and the courts lack the necessary expertise for personnel management of all government departments. This must be left, in public interest, to the departmental heads subject to the limited judicial scrutiny indicated.”



22. In the case of **Rajendra Singh** (*supra*), the Hon'ble Supreme Court in paragraph nos.8 and 9 held as follows :-

“8. A government servant has no vested right to remain posted at a place of his choice nor can he insist that he must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to the other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No Government can function if the government servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires (see State of U.P. v. Gobardhan Lal [(2004) 11 SCC 402 : 2005 SCC (L&S) 55] , SCC p. 406, para 7).

9. The courts are always reluctant in interfering with the transfer of an employee unless such transfer is vitiated by violation of some statutory provisions or suffers from mala fides. In Shilpi Bose v. State of Bihar [1991 Supp (2) SCC 659 : 1992 SCC (L&S) 127 : AIR 1991 SC 532] this Court held: (SCC p. 661, para 4)

“4. In our opinion, the courts should not interfere with a transfer order which is 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 mala fide. 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 overlooked these aspects in interfering with the transfer orders.”

23. As to what would be the scope of judicial review in matters of transfer, in the case of **N. K. Singh** (*supra*) the Hon’ble Supreme Court observed as follows :-

“6. Shri Ram Jethmalani, learned counsel for the appellant did not dispute that the scope of judicial review in matters of transfer of a government servant to an equivalent post



without any adverse consequence on the service or career prospects is very limited being confined only to the grounds of mala fides and violation of any specific provision or guideline regulating such transfers amounting to arbitrariness.....”

24. With respect to the scope of judicial review under Article 226 of the Constitution of India, in matters of transfer, the Hon’ble Supreme Court in **Mohd. Masood Ahmad vs. State of U.P. & Ors.; (2007) 8 SCC 150**, held as follows :-

“7. The scope of judicial review of transfer under Article 226 of the Constitution of India has been settled by the Supreme Court in Rajendra Roy v. Union of India [(1993) 1 SCC 148 : 1993 SCC (L&S) 138 : (1993) 23 ATC 426 : AIR 1993 SC 1236], National Hydroelectric Power Corpn. Ltd. v. Shri Bhagwan [(2001) 8 SCC 574 : 2002 SCC (L&S) 21 : AIR 2001 SC 3309], State Bank of India v. Anjan Sanyal [(2001) 5 SCC 508 : 2001 SCC (L&S) 858 : AIR 2001 SC 1748]. Following the aforesaid principles laid down by the Supreme Court, the Allahabad High Court in Vijay Pal Singh v. State of U.P. [(1997) 3 ESC 1668 : 1998 All LJ 70] and Onkar Nath Tiwari v. Chief Engineer, Minor Irrigation Deptt. [(1997) 3 ESC 1866 : 1998 All LJ 245] has held that the principle of law laid down in the aforesaid decisions is that an order of transfer is a part of the service conditions of an employee which



should not be interfered with ordinarily by a court of law in exercise of its discretionary jurisdiction under Article 226 unless the court finds that either the order is mala fide or that the service rules prohibit such transfer, or that the authorities who issued the orders, were not competent to pass the orders.”

25. In the case of **Airports Authority of India vs. Rajeev Ratan Pandey**; (2009) 8 SCC 337, placing reliance on the judgment in the case of *State of U.P. vs. Gobardhan Lal*, the Hon’ble Supreme Court held as follows :-

“7. In State of U.P. v. Gobardhan Lal [(2004) 11 SCC 402 : 2005 SCC (L&S) 55] , while dealing with a matter of transfer, this Court observed that allegations of mala fides must inspire confidence of the Court and ought not to be entertained on the mere asking of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference would ordinarily be made with an order of transfer. That the burden of proving mala fides is on a person levelling such allegations and the burden is heavy, admits of no legal ambiguity. Mere assertion or bald statement is not enough to discharge the heavy burden that the law imposes upon the person levelling allegations of mala fides; it must be supported by requisite materials.”

26. In the case of **State of Madhya Pradesh vs. S. S.**



Kourav; (AIR 1995 SC 1056), the Hon'ble Supreme Court held as follows :-

“4. It is contended for the respondent that the respondent had already worked at Jagdalpur from 1982 to 1989 and when he was transferred to Bhopal, there was no justification to retransfer him again to Jagdalpur. We cannot appreciate these grounds. The courts or tribunals are not appellate forums to decide on transfers of officers on administrative grounds. The wheels of administration should be allowed to run smoothly and the courts or tribunals are not expected to interdict the working of the administrative system by transferring the officers to proper places. It is for the administration to take appropriate decision and such decisions shall stand unless they are vitiated either by mala fides or by extraneous consideration without any factual background foundation. In this case we have seen that on the administrative grounds the transfer orders came to be issued. Therefore, we cannot go into the expediency of posting an officer at a particular place.”

27. In the case of **Mrs. Shilpi Bose vs. State of Bihar; (AIR 1991 SC 532)**, the Hon'ble Supreme Court held as follows :-

“4. In our opinion, the courts should not interfere with a transfer order which is 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 mala fide. 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 overlooked these aspects in interfering with the transfer orders.”

28. In the case of **Gobardhan Lal** (*supra*), the Hon’ble Supreme Court in paragraph nos.7 and 8 held as follows :-

“7. It is too late in the day for any government servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an



essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service. Unless the order of transfer is shown to be an outcome of a mala fide exercise of power or violative of any statutory provision (an Act or rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course or routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision.

8. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the courts or tribunals as



though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that courts or tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.”

29. From the contents of the judgments referred to and relevant portions of which have been reproduced herein above, it would transpire that so far as the scope of interference in matters of transfer by the High Court in exercise of its power under Article 226 is concerned, the same is very limited. Unless the order of transfer is shown to be an outcome of *malafide* exercise of power, violative of any statutory provision or having been passed by an authority not competent to do so, the transfer order cannot be interfered with.

30. So far as the facts of the instant case is concerned, no *malafide* has been alleged nor substantiated against any of the respondents. The petitioner, before the order of transfer



came to be passed, had remained on the said post and at the said place for a period of three years. He does not contend that the authority passing the order of transfer did not have the powers to do so nor does he plead violation of any of the provisions of any Act or Rules framed thereunder.

31. In some of the judgments cited herein above, the Hon'ble Supreme Court has observed that transfers when made on administrative grounds are not to be lightly interfered with by the High Court. In its judgment in the case of **Shilpi Bose** (*supra*), the Hon'ble Supreme Court held that even if a transfer order is passed in violation of administrative instructions or orders, the Courts ordinarily should not interfere with the order instead the affected party should approach the higher authorities in the Department.

32. It may be observed here that so far as the order of transfer contained in memo no.7259 dated 30.6.2025 is concerned, though the same does not use the words 'for administrative reasons' or 'on administrative grounds', however a bare perusal of the same would show that it was not just the petitioner and the respondent no.6 but a total of 126 persons posted in different Urban Local Bodies who have been transferred from one place to another. It was thus an order



passed on administrative grounds and no *malafides* can be alleged against any of the authorities, which has rightly not been done by the petitioner in this case. Further, so far as the corrigendum contained in memo no.7261 dated 30.6.2025 is concerned, the same clearly states that it is for the purpose of correcting typographical errors in the original order of transfer, the same was passed on the same day i.e. 30.6.2025, was with respect to 24 persons and clause 2 thereof clearly provides that the notification no.7259 dated 30.6.2025 stands amended to the said extent.

33. In view of the facts and circumstances stated herein above together with the law laid down in cases of transfer by the Hon’ble Supreme Court, as stated above, in the opinion of this Court, the petitioner has not made out any case for interference by this Court in the impugned orders.

34. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

avinash/-

AFR/NAFR	AFR
CAV DATE	27.11.2025
Uploading Date	13.01.2026
Transmission Date	N/A

