IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 4531 of 2026

Decided on: 06.04.2026

Beena Devi .....Petitioner

Versus

State of H.P. and others ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1] ***Yes***

For the petitioner	:	Mr. Prem P. Chauhan, Advocate.
For the respondents	:	Mr. Rajpal Thakur, Addl. Advocate General.

Ajay Mohan Goel, Judge *(Oral)*

Notice confined to respondents No. 1 to 4. Mr. Rajpal Thakur, learned Additional Advocate General accepts notice on behalf of respondents No. 1 to 4.

2. By way of this writ petition, the petitioner has *inter alia* prayed for the following reliefs:-

> *"i). Issue a writ of certiorari to quash and set aside the impugned transfer order dated 31.03.2026 (Annexure P-3) in respect of the petitioner.*
>
> *ii) Issue a writ of mandamus directing the Respondents to allow the petitioner to continue at GHS Janoti as Shastri and BLO till the completion of the election process and thereafter, on medical/personal grounds."*

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

3. Learned Counsel for the petitioner has submitted that the petitioner is on election duty in terms of office order dated 04.03.2026 (Annexure P-1). Learned Counsel further submitted that the State Election Commission, Himachal Pradesh, vide office order dated 31.03.2026, has enforced a ban on transfers of the officers/ officials directly connected with the conduct of elections till the election process is complete and yet, vide office order Annexure P-3, the petitioner has been ordered to be transferred from GHS Janoti to GHS Tahoo u/c GSSS Tharola, District Shimla. Learned Counsel thus submitted that as Annexure P-3 qua the petitioner is in derogation to the office order passed by the State Election Commission in exercise of its statutory powers, the transfer order is bad.

4. On the other hand, learned Additional Advocate General has submitted that as the petitioner happens to be an employee of the Education Department, the Department has exercised its discretion of transferring the petitioner and as the petitioner has completed her normal tenure at present place of posting, she cannot be permitted to extend her stay at said station under any guise.

5. In rebuttal, learned Counsel for the petitioner reiterates that the impugned transfer order is bad in light of Annexure P-2 and

as the husband of the petitioner is serving in Seema Suraksha Bal (SSB) in West Bengal, therefore, the petitioner has a right of adjustment at some convenient station in terms of the transfer policy of the State.

6. I have heard learned Counsel for the petitioner as well as learned Additional Advocate General and also gone through the pleadings as well as documents appended therewith.

7. It is a matter of record that the State Election Commission, Himachal Pradesh, has imposed a ban on transfers in terms of Annexure P-2, in exercise of its statutory powers qua officers/officials directly connected with conduct of Local Bodies Elections which are to take place in the State shortly. It is also a matter of record that Annexure P-3, i.e. the transfer order, has not been passed by the Authority by seeking the concurrence of the State Election Commission. Therefore, there is merit in the contention of learned Counsel that transfer of the petitioner while on election duty is bad in law. However, in light of the fact that the petitioner has already completed her normal tenure at present place of posting, this petition is disposed of with the direction that the impugned transfer order shall not be given effect to till the petitioner is on election duty and once her election duty is complete, then the

impugned transfer order may be given effect to. Further, in light of the fact that the petitioner is wife of a Para Military personnel, the petitioner is at liberty, in the interregnum, to seek her adjustment at some convenient station and if any such representation is filed by her within two weeks from today, let appropriate call be taken thereupon within two weeks as from the date of receipt thereof.

8. It is again observed that though this Court is not setting aside the impugned transfer order but is ordering that the transfer order shall not be given effect to till the petitioner is on election duty. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 06, 2026
(*narender*)