IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No.19848 of 2026 .
Decided on : 3rd November, 2026

Navdeep Chauhan **...Petitioner.**

Versus

State of H.P. & Ors. ....**Respondents.**

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. Surinder Saklani, Advocate.

For the respondents: Mr. Sikander Bhushan, Deputy Advocate General.

Jyotsna Rewal Dua, Judge.

Notice. Mr. Sikander Bhushan, learned Deputy Advocate General appears and waives service of notice on behalf of the respondents.

2. Petitioner is serving as Superintendent Grade-II in the respondent Education Department. His grievance is to the order dated 27.10.2026 (Annexure P-5) that transfers him from Directorate of School Education, Shimla to the office of BEEO, Pooh, District Kinnaur, against vacancy. Petitioner's case is that he was promoted as Superintendent Grade-II in the year 2018. He served in the Directorate up to the year 2020. He was thereafter posted as Superintendent Grade-II at GSSS Kiari, District Shimla, where he developed certain health issues related to his kidneys. Thereafter, on his request, he was transferred from Kiari again to

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

the office of respondent No. 2 on 09.07.2025. Now, after putting in about a year and three months at the office of respondent No. 2, he has been transferred to the office of BEEO, Pooh, District Kinnaur. Petitioner flags his medical condition, mid-academic session of his son, who is statedly studying in 10+2 in Shimla and his short tenure at the current place of posting for assailing the impugned order.

3. Considering the fact that petitioner has already served in the Directorate of School Education, Shimla, petitioner cannot claim a legal right to continue to serve at the same station where he had been deployed on account of his medical condition, as is projected in the petition. Petitioner has to serve asst the substantive post in the respondent Education Department.

4. However, keeping in view the grounds urged i.e. petitioner's medical condition, his son being in class 10+2 studying at Shimla, transfer having been effected during mid-academic session, it is deemed appropriate to dispose of this writ petition, reserving liberty to the petitioner to highlight those facts. In case such a representation is preferred within three days to respondent No. 2/competent authority, the same shall be considered and decided in accordance with law and applicable transfer policy within one week thereafter. Till such time, the

petitioner shall not be compelled to join at the transferred station and shall be permitted to avail leave of the kind due. However, in case the petitioner does not prefer the representation within the aforesaid period, the limited protection granted under this order shall cease to have effect.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

3rd November, 2026.
(jai)