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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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DECIDED ON: 05.03.2026

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... PETITIONER

VS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HO'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Himanshu Malik, Advocate
for the petitioner.

SANDEEP MOUDGIL, J**Prayer**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of **certiorari** for quashing the impugned order dated 20.02.2026 (Annexure P-4), whereby respondent No.4 has been adjusted as Senior Nursing Officer at DCH, Rohtak, allegedly in violation of the Transfer Policy dated 23.05.2025. A further prayer has been made for directing the respondents to consider and adjust the petitioner at DCH, Rohtak in terms of her claim based on seniority and hardship.

Brief Facts

2. Briefly noticed, the petitioner is serving under the Health Department, Government of Haryana, and came to be promoted as Senior Nursing Officer vide order dated 16.01.2026. The case set up in the writ



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petition is that the petitioner is senior to respondent No.4 in the promotion order and, being a widow aged about 53 years, had submitted a representation dated 19.01.2026 requesting that she be considered for adjustment at DCH, Rohtak against a vacancy likely to arise on 31.03.2026 on account of retirement of the incumbent. Her grievance is that despite such claim, respondent No.4, who is allegedly junior to her, was adjusted at DCH, Rohtak vide impugned order dated 20.02.2026.

Submissions

On behalf of the Petitioner

3. Learned counsel for the petitioner submits that the impugned order is arbitrary, discriminatory and contrary to the Transfer Policy dated 23.05.2025. It has been argued that the petitioner had a better claim than respondent No.4 on account of seniority as well as hardship, particularly because she is a widow, and, therefore, her representation ought to have been accepted. It is contended that the action of the respondents reflects non-application of mind and is violative of Articles 14 and 16 of the Constitution of India.

4. Notice of motion.

On behalf of the respondent-State

5. Per contra, learned State counsel, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana, who has accepted notice on behalf of the respondent-State upon service of advance copy of the writ petition, submits that the present petition is wholly misconceived and devoid of merit. It is contended that during the pendency of the present proceedings, the grievance of the petitioner

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has already been duly considered by the competent authority, and vide order dated 02.03.2026, she has been adjusted at a place of her preference, namely CH, Sector-10, Gurugram. In support of the said submission, learned State counsel has also produced a copy of letter dated 06.01.2026 bearing noting of the Health Minister, Haryana, whereby the request of the petitioner was directed to be looked into, which was subsequently processed in the office of the Director, Health Services.

6. It is further submitted that the claim of the petitioner for a particular place of posting, i.e. DCH, Rohtak, cannot be asserted as a matter of right. The present case, in essence, pertains to posting upon promotion and not a routine transfer, and, therefore, the Transfer Policy dated 23.05.2025 is not strictly applicable to the controversy in hand.

7. Learned State counsel submits that it is within the exclusive domain of the administrative authority to determine the place of posting upon promotion, and such decisions are not ordinarily amenable to judicial review unless shown to be vitiated by mala fides or patent illegality. In the present case, no such circumstance has been demonstrated by the petitioner so as to warrant interference by this Court.

Analysis

8. I have heard learned counsel for the parties and have gone through the paper book.

9. At the outset, the principal issue which falls for consideration is whether the petitioner could, as a matter of enforceable legal right, seek

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posting at DCH, Rohtak by invoking the Transfer Policy dated 23.05.2025. In the considered opinion of this Court, the answer has to be in the negative.

10. It is evident from the record that the controversy arises not from an ordinary transfer during service tenure, but from assignment of place of posting after promotion. The distinction is material and goes to the root of the matter as a transfer policy ordinarily regulates transfers within service, but the present case pertains to posting consequent upon promotion, where a new place has been assigned by the employer. Such an exercise cannot automatically be brought within the four corners of the Transfer Policy dated 23.05.2025 merely because the employee desires a particular station.

11. In fact, as noticed from the record, it stands admitted even on behalf of the petitioner during the course of hearing that the posting as desired in the writ petition at Rohtak, on the ground that she is a widow, is not a matter of right. Once that position is accepted, the entire edifice of the petitioner's case substantially falls to the ground. The petitioner has attempted to seek protection of the Transfer Policy by projecting the matter as one involving a legal right enforceable in writ jurisdiction, whereas in substance it is only a claim for a preferred place of posting after promotion. Such a claim, howsoever sympathetic it may appear, does not ripen into a vested or enforceable right warranting interference of this Court under Article 226 of the Constitution of India.

12. The submission founded on seniority also does not carry the matter any further. Mere fact that the petitioner may be senior to respondent No.4 in the promotion list would not, by itself, confer an indefeasible right to claim posting at a particular station of her choice. Similarly, widow status or hardship may be relevant considerations for the employer while taking an

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administrative decision, but unless the governing framework creates a mandatory right in that regard, no writ can be issued commanding the employer to post the petitioner at a specific place.

13. This Court is also unable to hold that the impugned action suffers from such patent arbitrariness or illegality as would warrant interference in exercise of powers under Articles 226/227 of the Constitution of India. The matter lies essentially in the realm of administrative discretion concerning posting upon promotion. In service jurisprudence, no employee can ordinarily insist upon being posted at a particular station unless a statutory rule confers such right, which is not the situation here. The policy relied upon by the petitioner being inapplicable to the controversy in hand, no enforceable legal right survives for adjudication.

14. That apart, the record further shows that the petitioner has since been adjusted at a place of her preference, namely CH, Sector-10, Gurugram, vide order dated 02.03.2026. Though this by itself may not conclude the legal issue, it does show that the grievance raised in the writ petition does not survive in the same form in which it was projected before this Court.

Conclusion

15. In view of the discussion above, this Court finds that the petitioner has failed to make out any ground for interference with the impugned order dated 20.02.2026. The case set up in the writ petition is founded on an erroneous assumption that posting after promotion is governed by the Transfer Policy dated 23.05.2025 and that the petitioner has a legal



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right to seek posting at Rohtak. Since that assumption is unsustainable, the relief prayed for cannot be granted.

16. Accordingly, finding no merit in the present writ petition, the same is hereby dismissed.

17. Pending application, if any, also stands disposed of.

05.03.2026
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>:Yes/No</i>
<i>Whether reportable</i>	<i>:Yes/No</i>