

CWP-8835 of 2026

2026.FHHC:045811



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-8835 of 2026

Date of decision: 23.03.2026

Dr. Kirandeep Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Petitioner in person.

Mr. Jastej Singh, Addl. A.G., Punjab.

Mr. Anurag Chopra, Advocate, and
Ms. Himani Jamwal, Advocate,
for the interveners.

NAMIT KUMAR, J.

1. Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of certiorari for quashing the order dated 12.03.2026 (Annexure P-1), passed by respondent No.1, vide which the petitioner has been transferred from Balbir School of Eminence, Faridkot, to Government Senior Secondary School Arayianwala, District Faridkot. Further, a writ of mandamus has been sought directing respondent No.1 to allow the petitioner to continue on the post of Principal at Balbir School of Eminence, Faridkot.

2. Petitioner has submitted that she is a Principal and vide impugned order dated 12.03.2026 has been transferred from Balbir School of Eminence, Faridkot, to Government Senior Secondary School Arayianwala, District Faridkot, which is totally unjustified. She further submitted that she is being transferred frequently as this is the



fourth transfer in less than a period of two years, despite the fact that she is going to retire on 31.10.2027, therefore, the impugned transfer is liable to be set aside.

3. *Per contra*, learned State counsel defended the impugned transfer order of the petitioner by contending that transfer is an incidence of service and no employee has a vested or enforceable right to remain posted at a particular place. He further submitted that the impugned transfer does not suffer from any illegality, mala fides, or violation of statutory rules.

4. I have heard the petitioner as well as learned State counsel and perused the relevant record with their able assistance.

5. Law on the issue is well settled that transfer is an incidence of service and no employee has a right to be remained posted at a particular place of posting and the transfer policy is mere guidelines and is not legally enforceable under Article 226 of the Constitution of India. A Division Bench of this Court in ***Union of India Vs. Ashok Kumar and another : 2008 (1) SCT 704***, while considering the similar issue has held as under :-

“7. xx xx xx xx xx Apart from the said fact, the question which is required to be examined is whether such posting and transfer policy confers any enforceable right in favour of respondent No.1 so as to challenge his transfer purportedly made on administrative ground before the Tribunal. Guidelines have been framed by the authorities to regulate their internal working and with a view to deal with different situations evenly. Such guidelines are not statutory in nature. Any departure from the said guidelines by itself does not give right to an employee to successfully

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*challenge his transfer. The transfer can be challenged on limited grounds i.e., when the same is not within the cadre or the authority is not competent to order transfer or it is in violation of the statutory rules or actuated by mala fide. The transfer is normal incidence of service and an employee has no right to resist his transfer on the basis of alleged violation of the guidelines. The issue is not res integra. In **Bank of India v Jagjit Singh Mehta, 1992(1) SCT 161 : AIR 1992 SC 519**, Hon'ble Supreme Court was seized of the guidelines for posting husband and wife at one station even if their employers be different. The Court found that the only thing required in terms of the guidelines is that the departmental authorities should consider this aspect along with the exigencies of administration. Thus, no right is conferred on an employee to remain at the same place even if administrative exigency and transfer policy do not permit it.*

8. In Union of India v. S.L. Abbas, 1995(4) SCT 455 : AIR 1993 SC 2444, Hon'ble Supreme Court held to the following effect :-

"Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer of vitiated by mala fides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt the authority must keep in mind the guidelines issued by the Government on the subject. Similarly, if a person makes any representation with respect to his transfer the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said

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guidelines, however, do not confer upon the Government employee a legally enforceable right".

9. In *State of U.P. v. Gobardhan Lal*, 2004(2) SCT 368 : AIR 2004 SC 2165, Hon'ble Supreme Court held that no government servant can 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. The 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. The order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable right unless shown to be vitiated by mala fides or is made in violation of any statutory provisions.

10. In *National Hydroelectric Power Corporation Limited v. Shri Bhagwan*, 2002(1) SCT 236 : AIR 2001 SC 3309, Hon'ble Supreme Court held that unless an order of transfer is shown to be an outcome of mala fide exercise of power or stated to be in violation of statutory provisions prohibiting any such transfer, the Courts or the Tribunals cannot interfere with such orders as a matter of routine, as though they were the appellate authorities substituting their own decision for that of the management, as against such orders passed in the interest of administrative exigencies of the service concerned.

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11. In *S.L. Abbas's case (supra)*, Hon'ble Supreme Court has held that the jurisdiction of the Central Administrative Tribunal is akin to the jurisdiction of the High Court under Article 226 of the Constitution of India in service matters. The constraints and norms which the High Court observes while exercising the said jurisdiction apply equally to the Tribunal created under Article 323-A of the Constitution. The Central Administrative Tribunal is not an Appellate Authority sitting in judgment over the orders of transfer. It cannot substitute its own judgment for that of the authority competent to transfer.

12. A Full Bench of this Court in ***Jagir Singh Kanungo v. The State of Punjab through the Secretary Vigilance, Punjab, Chandigarh, 1993(2) SCT 128 : 1993(1) Punjab Law Reporter 376***, has the occasion to interpret the guidelines issued by the State of Punjab for conclusion of the inquiry proceedings in a time bound manner. It was held that if the enquiry proceedings are not completed within the aforesaid period, no right accrues to the employee to approach the Court of law for enforcement of those guidelines. It was held to the following effect :-

“.....If the State Government have issued certain guidelines for the guidance of the various departments or the disciplinary authorities to impress upon them the necessity of finalising the departmental proceedings expeditiously or even within a fixed period, it does not mean that after the expiry of that period, a right in law accrues to the employee to approach the Court of law for the enforcement of those guide-lines...”

Keeping in view the aforesaid parameters and the scope of the jurisdiction of the Tribunal in an application under section 19 of the Act, we are of the opinion that the order passed by the Tribunal setting aside the order of transfer

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is illegal exercise of the jurisdiction by the Tribunal. The guidelines are not statutory and do not confer any legally enforceable right on the basis of which an employee can challenge his transfer. No doubt, normally the guidelines are to be adhered to by the administrative authorities but their non-adherence will entitle an employee to bring such facts to the notice of the superior authorities but does not confer any right to seek quashing of the transfer either in an application under section 19 of the Act or under Article 226 of the Constitution of India. Under section 19 of the Act or under Article 226 of the Constitution, transfer order can be interfered with if it is shown to be vitiated by mala fide or in violation of the statutory provisions or having been passed by an authority not competent to pass such an order. Since none of the three conditions are satisfied in the case set up by respondent No.1, the order passed by the Tribunal cannot be sustained in law.”

6. To the same effect is the Division Bench judgment of this Court in ***Mool Chand Tewatia Vs. Union of India and others : 2016 (2) SCT 427***, wherein it has been held that the transfer in an incidence of service and the Courts are not to interfere unless the Courts finds that the transfer is due to mala fide or against the service rules.

7. The Hon’ble Supreme Court in ***Sri Pubi Lombi v. The State of Arunachal Pradesh and others, 2024 SCC Online SC 279***, has examined the scope of judicial review in the transfer matters and has held that the same is not permissible in exercising the jurisdiction under Article 226 of the Constitution of India. In the said judgment, it has been held as under: -

“10. In view of the foregoing enunciation of law by judicial decisions of this Court, it is clear that in absence



of (i) pleadings regarding malafide, (ii) non-joining the person against whom allegation are made, (iii) violation of any statutory provision (iv) the allegation of the transfer being detrimental to the employee who is holding a transferrable post, judicial interference is not warranted. In the sequel of the said settled norms, the scope of judicial review is not permissible by the Courts in exercising of the jurisdiction under Article 226 of the Constitution of India.”

8. Earlier vide order dated 06.01.2026, petitioner was transferred from Balbir School of Eminence, Faridkot, to Government Senior Secondary School (Boys), Ferozepur. Aggrieved against the said transfer order, petitioner filed CWP No.501 of 2026 – Dr. Kirandeep Kaur v. State of Punjab and another, alleging therein that she had been transferred at a distance of around 45 kms in another district and the said transfer was unjust and arbitrary. Vide order dated 27.01.2026, while issuing notice of motion, operation of the order dated 06.01.2026 was stayed. However, vide order dated 12.03.2026, passed by Secretary, Government of Punjab, Department of School Education, Punjab (respondent No.1), transfer order dated 06.01.2026 of the petitioner was cancelled and she was adjusted at Government Senior Secondary School, Arayianwala, District Faridkot, which is at a distance of 6 kms only. Once the grievance of the petitioner has already been redressed by the respondents-authorities, she cannot claim as a matter of right posting at a station of her preference or seek to impose her own terms in this regard. This Court finds that the petitioner’s grievance rests entirely on personal convenience. In the absence of any evidence showing that the transfer order is vitiated



by *mala fides* or a personal vendetta; issued by an authority incompetent to do so; or in blatant violation of statutory rules, the Court cannot sit as an appellate authority over administrative decisions. Individual interest must always yield to the collective administrative exigency. If every employee is allowed to dictate his/her place of posting, the entire administrative machinery would grind to a halt.

9. In view of the above factual position and settled principles of law, I find no merit in the present petition and the same is accordingly dismissed.

23.03.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No