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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 327/2026, CM APPL. 1572/2026, CM APPL. 1573/2026,
CM APPL. 7185/2026

POONAM YADAV

.....Petitioner

Through: Mr. Jasbir Bidhuri, Advocate for
Mr. Shashwat Sharma, Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Rahul Sambher, SPC with
Ms. Disha Choudhary, GP for R-1.
Mr. Somesh Chandra Jha and
Ms. Pyoli, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **03.02.2026**

1. The Petitioner is presently working as a PGT (Commerce) at EMRS Padmabil, Khowai, Tripura, under the aegis of the National Education Society for Tribal Students (“NESTS”). She has been transferred to EMRS Karanjia, Mayurbhanj, Odisha, by office order dated 26th December, 2025. Aggrieved thereby, the present writ petition has been filed.

2. On the previous date of hearing i.e., 9th January, 2026, the Court passed the following order:

“1. The Petitioner is working as a PGT (Commerce) at EMRS Padmabil, Khowai, Tripura, under the National Education Society for Tribal Students.”¹

2. The grievance of the Petitioner arises from the impugned order

¹ “NESTS”



dated 26th December, 2025, whereby she has been transferred from her present place of posting at EMRS Padmabil, Khowai, Tripura, to EMRS Karanjia, Mayurbhanj, Odisha.

3. *Counsel for the Petitioner places reliance on Clause 4.6 of the National Education Society for Tribal Students Transfer Policy, 2024, which provides for priority categories and specifically recognises the “Spouse Category” under Clause 4.6(b). Reliance is also placed on **SK Nausad Rahaman v. Union of India**² in support of the aforesaid submission.*

4. *It is submitted that a representation dated 31st December, 2025, seeking consideration under the said clause, has been made to the Respondents but remains undecided. It is further contended that there is no existing vacancy for the post of PGT (Commerce) at EMRS, Odisha, and therefore no administrative exigency warranting the Petitioner’s transfer.*

5. *In any event, counsel for Petitioner, after making some submissions, states that he would confine his prayer to seeking a direction for keeping the impugned transfer order dated 26th December, 2025, in abeyance till 31st March, 2026, subject to the outcome of the Petitioner’s representation.*

6. *In view of the aforesaid submission, the following directions are issued:*

(i) *The Respondents shall consider and decide the Petitioner’s representation dated 31st December, 2025 and communicate the decision to the Petitioner within a period of two weeks from today.*

(ii) *Till the next date of hearing, the impugned transfer order dated 26th December, 2025, shall remain in abeyance.*

(iii) *The Respondents shall not insist upon the Petitioner joining at the transferred place of posting, and the Petitioner shall, for the present, continue to discharge her duties at EMRS Padmabil, Khowai, Tripura.*

7. *Issue notice to the Respondents, by all permissible modes, upon filing of process fee, returnable on the next date of hearing.*

8. *Renotify on 3rd February, 2026.*

9. *Dasti under the signatures of court master.”*

3. From the above, it is apparent that the impugned transfer order was kept in abeyance, subject to the outcome of the Petitioner’s representation dated 31st December, 2025. The Respondents were directed to consider and decide the said representation within a stipulated time.

4. Counsel for the Respondents submits that pursuant to the directions of

² (2022) 12 SCC 1



this Court, the Petitioner's representation has been duly considered and has since been rejected. Consequently, the interim protection granted earlier stood exhausted.

5. It is, however, noted that at the time of passing of the order dated 9th January, 2026, counsel for the Petitioner had expressly undertaken before this Court that the relief would be confined to seeking deferment of the transfer order till 31st March, 2026.

6. On the other hand, counsel for the Respondents submits that EMRS Karanjia, Mayurbhanj, Odisha has formally requisitioned the posting of one PGT (Commerce) teacher for the commencement of the commerce stream. It is contended that in the absence of a qualified faculty member, the proposed academic programme would not be operationalized due to a non-availability of a qualified faculty. It is further submitted that the academic session is scheduled to commence from 1st April, 2026, and therefore, the Petitioner must report in time.

7. The Court has considered the aforementioned submissions. The scope of the present petition stands circumscribed by the statement and undertaking recorded in the order dated 9th January, 2026 on behalf of the Petitioner. Moreover, the Court cannot lose sight of the fact that the academic session at EMRS Karanjia, Mayurbhanj, Odisha is scheduled to commence in April 2026, and that deployment of faculty prior thereto is essential to ensure smooth and effective commencement of academic activities.

8 Balancing the equities and taking into account the aforesaid circumstances, the Court is of the considered opinion that a limited extension of the interim arrangement would sufficiently safeguard the interests of both sides.



9. Accordingly, the impugned transfer order dated 26th December, 2025 shall remain in abeyance till 20th March, 2026. The Petitioner shall report for duty at EMRS Karanjia, Mayurbhanj, Odisha on 21st March, 2026.

10. With the above directions, the petition is disposed of, along with the pending applications.

SANJEEV NARULA, J

FEBRUARY 3, 2026

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