



2026:DHC:2474-DB



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

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*Judgment reserved on: 19.03.2026**Judgment pronounced on: 25.03.2026**Judgment uploaded on: 25.03.2026*

+ W.P.(C) 3022/2026 & CM APPL. 14564/2026, CM APPL. 14565/2026

MS SHALU PRUTHI

.....Petitioner

Through: Mr. R.V. Sinha, Mr. AS Singh
and Ms. Shriya Sharma,
Advocates.

versus

KENDRIYA VIDYALAYA SANGATHAN
AND ANR

.....Respondents

Through: Mr. S. Rajappa, Mr. R.
Gowrishankar and Ms. G.
Dhivyasri, Advocates.**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T****ANIL KSHETARPAL, J.:**

1. The present Petition, filed by the Petitioner, assails the correctness of the order dated 17.09.2025 [hereinafter referred to as 'Impugned Order'] passed by learned Central Administrative Tribunal [hereinafter referred to as 'Tribunal'] in O.A. No.4052/2024, whereby the Original Application ('O.A.') preferred by the Petitioner came to be dismissed.

2. The issue which arises for consideration in the present Petition is whether the Impugned Order passed by the Tribunal, declining to interfere with the transfer of the Petitioner from Delhi to Babugarh Cantt., Agra Region, suffers from any illegality, perversity, or failure

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to exercise jurisdiction, particularly in the context of the Petitioner's claim for reasonable accommodation on medical grounds, so as to warrant interference by this Court in exercise of its powers under Article 226 of the Constitution of India.

FACTUAL MATRIX:

3. In order to appreciate the controversy involved in the present Petition, the relevant facts, in brief, are required to be noticed.

4. The Petitioner was appointed as a Primary Teacher (PRT) with the Respondent-Kendriya Vidyalaya Sangathan on 12.02.2009 and has been serving in the said capacity since then. In the year 2022, while the Petitioner was posted at Kendriya Vidyalaya, Sainik Vihar, New Delhi, she was transferred to Kendriya Vidyalaya, Karaikal, Pondicherry *vide* order dated 16.09.2022, as part of an exercise of rationalization and redistribution of teaching staff across Kendriya Vidyalayas.

5. Aggrieved by the aforesaid transfer, the Petitioner, along with other similarly situated employees, approached the Tribunal by filing O.A. No. 2789/2022. The said Original Application was disposed of by the Tribunal *vide* order dated 27.09.2022, whereby the Petitioners therein were permitted to submit representations, and the Respondents were directed to consider the same by passing reasoned and speaking orders in accordance with the applicable transfer policy.

6. It is not in dispute that the issue relating to transfers effected in September, 2022 travelled up to the Supreme Court in SLP (C) No. 24825/2023, wherein, by order dated 19.03.2024, the Respondent-

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Kendriya Vidyalaya Sangathan was permitted to undertake a fresh exercise by inviting options from the affected teachers for their posting, in terms of a proposed process placed before the Supreme Court.

7. Pursuant to the aforesaid order, the Respondents invited options from the concerned employees, and the Petitioner submitted her three preferred stations, namely Faridabad, Ghaziabad and Noida. It is the stand of the Respondents that the Petitioner could not be accommodated at the aforesaid stations on account of non-availability of vacancies.

8. Thereafter, the Petitioner came to be transferred to Kendriya Vidyalaya, Babugarh Cantt., Agra Region *vide* the transfer order dated 01.06.2024. The Petitioner, aggrieved by her transfer, submitted a representation dated 10.06.2024, followed by an email dated 16.07.2024, *inter alia*, seeking modification of her transfer on the ground that she is suffering from Bipolar Affective Disorder and requires continued medical treatment and family support.

9. In the interregnum, the Petitioner had also approached the Tribunal by filing O.A. No. 2527/2024, wherein the Tribunal, *vide* order dated 01.07.2024, recorded the submission made on behalf of the Respondents that, in the event the Petitioner submits a representation highlighting her medical condition, the same would be considered by the competent authority by taking a holistic view. The Tribunal accordingly permitted the Petitioner to submit an appropriate representation and directed the Respondents to decide the same within



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the stipulated time.

10. Pursuant thereto, the representation submitted by the Petitioner came to be considered by the Respondents, and a speaking order dated 29.08.2024 was passed by the competent authority, whereby the request of the Petitioner for modification/cancellation of her transfer was declined.

11. Aggrieved thereby, the Petitioner approached the Tribunal by filing O.A. No. 4052/2024, *inter alia*, seeking quashing of the transfer and consequential orders, primarily on the ground that her medical condition had not been duly considered and that she ought to have been accommodated at a station of her choice or in proximity thereto.

12. The Tribunal, after considering the submissions advanced on behalf of the parties and perusing the material placed on record, dismissed the Original Application *vide* the Impugned Order, holding, *inter alia*, that the case of the Petitioner does not fall within the Medical Disability Ground category under the Transfer Policy dated 30.06.2023 and that no interference with the administrative decision of transfer was warranted.

CONTENTIONS OF THE PARTIES:

13. Contentions of the Petitioner:

13.1. Learned counsel for the Petitioner assailed the Impugned Order primarily on the ground that the learned Tribunal has failed to exercise its jurisdiction in accordance with settled principles governing judicial review and has mechanically affirmed the action of the Respondents



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without due consideration of the peculiar facts of the case.

13.2. It was contended that the Petitioner is suffering from Bipolar Affective Disorder and has been under continuous psychiatric treatment since the year 2014. It was submitted that her medical condition necessitates sustained treatment, regular follow-up, and, importantly, the availability of family support, which, according to the medical advice placed on record, is essential for her well-being and stability. It was urged that the Tribunal failed to accord due weight to this aspect, despite the same being duly brought on record.

13.3. It was further submitted that, in view of her medical condition, the case of the Petitioner squarely falls within the ambit of the provisions of the Rights of Persons with Disabilities Act, 2016, and that the Respondents, being instrumentalities of the State, were under a statutory as well as constitutional obligation to provide reasonable accommodation to the Petitioner. It was argued that the denial of such accommodation renders the impugned action arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India.

13.4. It was also contended that the learned Tribunal erred in accepting the stand of the Respondents that the Petitioner does not fall within the Medical Disability Ground category under the Transfer Policy dated 30.06.2023. According to the Petitioner, the relevant clause, which refers to “any other disease with more than 50% mental disability”, ought to have been interpreted purposively, keeping in view the object of the statute and the constitutional mandate of non-discrimination. It was urged that the insistence on a rigid or technical



interpretation defeats the very purpose of beneficial legislation.

13.5. In support of the aforesaid submissions, reliance was placed on the decisions of the Supreme Court in *Ravinder Kumar Dhariwal v. Union of India & Ors.*¹ and *Net Ram Yadav v. State of Rajasthan & Ors.*², emphasizing the doctrine of reasonable accommodation and the obligation of the State to adopt a sensitive and humane approach in dealing with employees suffering from disabilities.

13.6. It was further submitted that the Respondents have acted in a discriminatory manner inasmuch as, in several similarly situated cases, requests for modification of transfer have been considered favourably, whereas the case of the Petitioner has been rejected without adequate justification. It was urged that such differential treatment, in the absence of any intelligible differentia, is violative of Article 14 of the Constitution of India.

13.7. It was also contended that the Petitioner had exercised her options pursuant to the directions issued in the proceedings before the Supreme Court; however, she has not been accommodated at any of the stations opted by her, despite availability of vacancies. It was submitted that the action of the Respondents in allotting a station outside her preferred choices, without adequately considering her medical and personal circumstances, is arbitrary and unreasonable.

13.8. It was lastly submitted that the Tribunal has failed to appreciate that the Respondents, as a model employer, are required to act fairly

¹ (2023) 2 SCC 209

² (2022) 15 SCC 81



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and reasonably, particularly in cases involving employees with medical conditions requiring special consideration.

14. Contentions of the Respondents:

14.1. *Per contra*, learned counsel for the Respondents supported the Impugned Order and contended that the transfer of the Petitioner has been effected strictly in accordance with the policy governing transfers and in compliance with the directions issued by the Supreme Court in proceedings arising out of transfer orders of the year 2022. It was submitted that the entire exercise was undertaken in a structured and transparent manner, wherein all affected employees, including the Petitioner, were afforded an opportunity to indicate their preferred stations.

14.2. It was submitted that the Petitioner had, pursuant to the said process, exercised her options by indicating three preferred stations, namely Faridabad, Ghaziabad and Noida. However, owing to administrative constraints, including non-availability of vacancies at the stations of her choice, she could not be accommodated at the said stations. It was further submitted that, in such circumstances, she was posted to Kendriya Vidyalaya, Babugarh Cantt., Agra Region, which is in proximity to her first preferred station, being approximately 90 kms from Faridabad, and the same was effected in accordance with availability of vacancies and administrative exigencies.

14.3. It was further submitted that, despite being afforded an opportunity to indicate alternative or additional preferences in subsequent rounds, the Petitioner did not furnish fresh options and



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continued to insist upon her initial choices. According to the Respondents, such insistence amounts to claiming a vested right to be posted at a particular station, which is impermissible in law.

14.4. With regard to the medical condition of the Petitioner, learned counsel submitted that the same has been duly considered by the competent authority while deciding her representation. It was submitted that, upon examination, it was found that the Petitioner does not fall within the Medical Disability Ground category as defined under the Transfer Policy dated 30.06.2023, which specifically contemplates certain enumerated conditions, including “any other disease with more than 50% mental disability”.

14.5. It was contended that the medical certificate relied upon by the Petitioner merely indicates that she is undergoing treatment for Bipolar Affective Disorder and requires follow-up and family support, but does not certify that she suffers from a mental disability of the requisite threshold so as to bring her case within the said category. It was submitted that, in the absence of such certification, the claim of the Petitioner for special consideration under the policy cannot be sustained.

14.6. It was further submitted that the Petitioner is a member of a service having All India transfer liability and has remained posted at Delhi for a considerable period. It was contended that transfer is an incident of service and is primarily within the domain of the employer, and unless the same is shown to be vitiated by *mala fides* or is in violation of statutory provisions, no interference is called for.



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14.7. It was also submitted that the Tribunal has correctly applied the settled principles of law laid down by the Supreme Court, including in decisions such as *S.C. Saxena v. Union of India*³, *Union of India v. S.L. Abbas*⁴, and *Shilpi Bose v. State of Bihar*⁵, to hold that the Petitioner cannot insist on a posting of her choice and that the scope of judicial review in transfer matters is limited.

ANALYSIS & FINDINGS:

15. This Court has carefully considered the submissions advanced on behalf of the parties and perused the material on record.

16. At the outset, it is required to be noted that transfer is an incident of service and an employee holding a transferable post cannot claim, as a matter of right, to be posted at a particular place. The power to transfer is vested in the employer and is to be exercised in administrative exigencies. Judicial review in such matters is confined to examining whether the transfer is vitiated by *mala fides*, statutory violation, or patent arbitrariness.

17. In the present case, the transfer of the Petitioner forms part of a larger exercise undertaken by the Respondents in compliance with the directions issued by the Supreme Court in proceedings arising out of the transfers effected in the year 2022. The said exercise envisaged inviting options from the affected employees and effecting postings on the basis of availability of vacancies and administrative considerations.

³ (2006) 9 SCC 583

⁴ (1993) 4 SCC 357

⁵ 1991 Supp. (2) SCC 659



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18. It is not in dispute that the Petitioner was afforded an opportunity to indicate her preferred stations and that she, in fact, exercised such option. It is also not in dispute that she could not be accommodated at the stations of her choice on account of non-availability of vacancies and was, thereafter, posted to Kendriya Vidyalaya, Babugarh Cantt., which, as per the Respondents, is in proximity to her preferred station. The mere fact that the Petitioner was not accommodated at one of her preferred stations does not, by itself, render the transfer illegal or arbitrary.

19. The principal contention advanced on behalf of the Petitioner pertains to her medical condition and the alleged failure on the part of the Respondents, as well as the Tribunal, to extend to her the benefit of reasonable accommodation.

20. In this regard, it is observed that the competent authority has duly considered the representation submitted by the Petitioner and has passed a reasoned order dated 29.08.2024. The same is reproduced as under:

“Whereas, Smt. Shalu Pruthi, PRT was transferred from Kendriya Vidyalaya, Sainik Vihar to Kendriya Vidyalaya, Karaikal on administrative ground vide transfer order dated 16.09.2022 for the purpose of rationalization.

Whereas, KVS filed SLP No.24825/2023 before the Hon'ble Supreme Court of India for similarly situated cases of teachers transferred on administrative grounds in September 2022. The Hon'ble Supreme Court issued an order dated 19.03.2024 in the SLP directing KVS to accommodate 1455 teachers (including the applicant) by considering their three choices of stations and giving priority based on seniority in age.

Whereas, Smt. Shalu Pruthi, PRT was transferred to KV Babugarh Cantt. vide order dated 01.06.2024. Aggrieved by the transfer order, the applicant filed O.A.No.2527/2024 & M.A. No.2207/2024 before the Hon'ble Tribunal, Principal Bench, New

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Delhi, which is disposed by the Hon'ble Tribunal vide order dated 01.07.2024. The operative part of the order is reproduced below:-

"3. Opposing the grant of relief in the present matter, the learned counsel for the respondents would highlight that pursuant to the directions as contained in SLP No.24825/2023, an appropriate decision was taken asking the applicant to give the choice of posting. One of the choices of posting was given by her which was accepted vide impugned order dated 01.06.2024. However, learned counsel for the respondents on instructions would state that if a representation is made to the competent authority regarding medical illness in peculiar facts and circumstances of the case, a holistic view shall be taken by the respondents-authority. For the said purpose, the applicant's counsel agrees to the same making a submission that the said representation shall be made within a period of 5 days from today in addition to already made representation dated 10.06.2024 and the competent authority shall be decide the same within a period of 15 days from the date of receipt of a certified copy of this order. Till such time, no coercive action shall be taken by the respondents.

4. The OA stands disposed of accordingly. No order as to costs. "

As per the representation dated 10.06.2024 & email dated 16.07.2024, the applicant is requesting cancellation of transfer order dated 01.06.2024.

Upon examination of the case. the following observations have been made:

Smt Shalu Pruthi, PRT (EC:52469) was working at Delhi station w.e.f 07/12/2009 which was more than 12 years. Hence. she was transferred from KV Sainik Vihar to KV Karaikal vide order dated 16.09.2022 for the purpose of rationalization and redistribution of existing teaching staff.

Whereas. KVS filed SLP No.24825/2023 in similarly situated cases of teachers transferred on administrative grounds in September 2022 before the Hon'ble Supreme Court. In compliance with the order dated 19.03.2024 passed by the Hon'ble Supreme Court of India. KVS invited 03 choices of stations from the concerned teachers vide notice dated 27.03.2024. The applicant submitted her 03 choice stations as follows:-

1. Faridabad 2. Ghaziabad 3. Noida.

Whereas, teachers who could not be accommodated to their choice stations due to non-availability of vacancy or who did not submit their choices in the 2nd or 3rd round. were allotted KVs near their preferred stations of first round. Accordingly. Smt. Shalu Pruthi, PRT was transferred to KV Babugarh Cantt. vide order dated 01.06.2024 as per the availability of vacancy nearby her choice



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station of first round. It is only at a distance of approx. 90 Kms from her first choice. i.e. Faridabad.

Whereas. now, the applicant is requesting cancellation of transfer order on the ground that she is suffering from Bipolar Disorder.

In this regard, this is to inform that the case of the applicant is not covered under MDG category as per Annexure-1 of Transfer Policy 2023. Further, personal difficulties, family circumstances, health issues of self and dependent family members are matters for the competent authority to consider, but the decision of administrative authorities after considering these personal difficulties is considered final and while making transfers, organizational interest is considered paramount and the problems and constraints of the employees will be subordinated.

Kendriya Vidyalaya Sangathan (KVS) shall strive to maintain equitable distribution of its employees across all locations to ensure efficient functioning of the organization and optimize job satisfaction amongst employees. All employees are liable to be transferred anywhere in India at any point of time and transfer to a desired location cannot be claimed as a matter of right. While effecting transfers, the organizational interest shall be given uppermost consideration and that the problems and constraints of employee shall remain subservient.

Keeping in view of the facts & circumstances, this is to inform that the request of the applicant has been considered sympathetically by the competent authority but the same could not be acceded to and the representation dated 10.06.2024 & email dated 16.07.2024 of the applicant stands disposed of in compliance with order dated. 01.07.2024 in O.A. No.2527/2024 passed by the Hon'ble Tribunal, Principal Bench, New Delhi.

This issues with the approval of the competent authority.

A perusal of the aforesaid order indicates that the medical condition of the Petitioner was taken into account; however, it was found that her case does not fall within the Medical Disability Ground category as defined under the applicable Transfer Policy dated 30.06.2023.

21. The Transfer Policy dated 30.06.2023, as also noticed by the Tribunal, contemplates certain specified medical conditions, including “any other disease with more than 50% mental disability.” The same



is reproduced as under:

“Note:- Refer Para No.2 (x) of KVS Transfer Policy "MDG" means an employee seeking transfer on the basis of one or more of the medical conditions listed in Annexure-I, affecting himself/herself, spouse or dependent son and daughter.

TYPE OF DISEASE

- 1. CANCER*
- 2. PARALYTIC STROKE.*
- 3. RENAL FAILURE*
- 4. CORONARY ARTERY DISEASE AS EXPLAINED BELOW*
- 5. THALASSAEMIA.*
- 6. PARKINSONS DISEASE*
- 7. MOTOR-NEURON DISEASE*
- 8. ANY OTHER DISEASE WITH MORE THAN 50% MENTAL DISABILITY*
- 9. AIDS*

The brief description of illness which will be considered as medical grounds for the purpose of transfer in terms of transfer policy is as under Medical terms referred herein will bear meaning as given in the Butterworth's Medical Dictionary”

The material placed on record by the Petitioner, including the medical certificate relied upon by her, indicates that she is undergoing treatment for Bipolar Affective Disorder and requires continued medical follow-up and family support. However, there is no certification on record to establish that the Petitioner suffers from mental disability to the extent contemplated under the said policy.

22. In the absence of such material, the conclusion arrived at by the Respondents, and affirmed by the Tribunal, that the Petitioner does not fall within the said category, cannot be said to be arbitrary or perverse. This Court, in exercise of jurisdiction under Article 226, would not ordinarily substitute its own assessment for that of the competent authority in matters falling within the domain of



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administrative policy, unless the decision is shown to be arbitrary, irrational or in violation of statutory provisions.

23. As regards the reliance placed by the Petitioner on the provisions of the Rights of Persons with Disabilities Act, 2016 and the judgments of the Supreme Court being *Ravinder Kumar Dhariwal* (supra) and *Net Ram Yadav* (supra), this Court is of the view that there can be no quarrel with the proposition that the State is under an obligation to ensure non-discrimination and to provide reasonable accommodation to persons with disabilities. However, the applicability of such principles would necessarily depend upon the factual foundation being established in a given case.

24. In the present case, while the Petitioner has relied upon a medical certificate indicating that she is undergoing treatment for Bipolar Affective Disorder, the material on record does not establish that she suffers from a benchmark disability or otherwise satisfies the threshold contemplated either under the applicable Transfer Policy or for invoking specific statutory entitlements in the factual context of the present case. The Tribunal has, therefore, not found sufficient basis to extend the relief sought.

25. The contention of the Petitioner that similarly situated employees have been granted relief also does not advance her case. No specific or comparable material has been placed on record to demonstrate that employees identically situated in law and on facts were treated differently so as to establish hostile discrimination.

26. It is also pertinent to note that the Petitioner has been serving at



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the Delhi station for a considerable period and is a part of a cadre having All India transfer liability. In such circumstances, the decision of the Respondents to effect her transfer, in furtherance of administrative requirements, cannot be said to be unreasonable or unjustified.

27. The Tribunal has taken into consideration the relevant aspects, including the medical condition of the Petitioner, the applicable policy, and the settled principles governing transfer, and has arrived at a conclusion which cannot be said to suffer from any illegality, perversity or jurisdictional error.

28. This Court is, therefore, of the considered view that no case for interference with the Impugned Order is made out.

CONCLUSION & OPERATIVE DIRECTIONS:

29. In view of the foregoing discussion, this Court does not find any merit in the present Petition. The Impugned Order passed by the Tribunal in O.A. No. 4052/2024 does not suffer from any perversity, illegality, or jurisdictional error warranting interference under Article 226 of the Constitution of India.

30. Accordingly, the present Petition is dismissed. The pending applications also stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

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