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

+ **W.P.(C) 3584/2026 & CM APPLs. 17388/2026, 17389/2026**

POONAM YADAV

.....Petitioner

Through: **Mr. Shashant Sharma, Advocate.**

versus

**UNION OF INDIA THROUGH SECRETARY, MINISTRY OF
TRIBAL AFFAIRS AND ANR**

.....Respondents

Through: **Mr. Rahul Sambher, SPC for R-1.**

Ms. Disha Choudhary, G.P. for R-1.

**Mr. Somesh Chandra Jha and Mr.
Akash Kishore, Advocates for R-2.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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19.03.2026

1. The Petitioner is working as a PGT (Commerce) at EMRS Padmabil, Khowai, Tripura, under the aegis of the National Education Society for Tribal Students ("NESTS"). By office order dated 26th December, 2025, she he was transferred to EMRS Karanjia, Mayurbhanj, Odisha. Aggrieved thereby, she has approached this Court.

2. This is not the first round of litigation concerning the same transfer. In the earlier proceedings, the Petitioner did not pursue an unrestricted challenge to the transfer order. The matter was considered on the footing that her representation dated 31st December, 2025 would be decided and that she may be granted limited protection for a short period.

3. In that backdrop, this Court, by interim order dated 9th January, 2026, directed the Respondents to decide the Petitioner's representation and kept



the transfer order in abeyance in the meantime. The petition thereafter came to be disposed of on 3rd February, 2026, with a limited indulgence, and the Petitioner was directed to report at the transferred place on 21st March, 2026.

4. The present petition is yet another attempt to assail the same transfer order. This time, the challenge is framed against the administrative order dated 21st January, 2026 by which the Petitioner's representation has been rejected. That reframing does not alter the substance of the matter. The transfer order remains the real subject of challenge, and that issue already stood dealt with in the earlier proceedings.

5. The direction issued in the previous round to consider the Petitioner's representation was meant to ensure administrative consideration of her grievance. It did not reserve to her a fresh and independent right to reopen the very same transfer before this Court once again. A representation decided pursuant to a judicial direction does not, by itself, generate a new cause of action permitting a concluded challenge to be reagitated, unless the order passed thereon discloses some distinct illegality of its own or the court expressly reserved that right in favour of the aggrieved party. No such feature is shown here.

6. Moreover, the administrative order dated 21st January, 2026 does not travel beyond the transfer dispute. It records that the Petitioner is a Commerce teacher whose services have remained largely unutilised, as neither her place of posting nor the institution to which she was temporarily attached had an operational Commerce stream. It further records that no formal proposal had been received for opening a Commerce stream in Tripura, whereas a specific requisition had been received from EMRS Karanjia, Odisha for posting of one PGT (Commerce) to commence that



stream there.

7. The Petitioner seeks to assail that decision by contending that the communication relied upon by the Respondents to justify the transfer is undated and self-serving, and by pointing to the Respondents' recruitment exercise for the relevant post. These submissions do not take the matter further. Whether a post is to be filled by transfer of an existing teacher, by fresh recruitment, or by a combination of both, is a matter for the employer to assess in the light of institutional need. The Court does not sit in appeal over such administrative choices. Nor is there anything on the present record to show that the reasons recorded in the order dated 21st January, 2026 are a mere pretence or that the transfer has been ordered for some collateral purpose.

8. The law on the point is settled. Transfer is an incident of service. An employee holding a transferable post has no vested right to remain posted at one place of choice. Judicial review in transfer matters is correspondingly narrow. Interference is warranted where the order is shown to be *mala fide*, punitive in substance, or contrary to a binding statutory provision.¹ Nothing of that kind is made out here.

9. The Petitioner also referred to the transfer policy and to personal considerations, including spousal posting and family circumstances. The Respondents have dealt with those aspects in the impugned order and have stated why they were not accepted. The order further records that the three-year restraint relied upon by the Petitioner applies only to request transfers and does not operate as a bar against transfers effected in administrative or public interest. It also clarifies that the spouse priority contemplated under



the policy is a factor relevant for seeking a transfer and does not confer any right to withhold or cancel a transfer once ordered, being in any event subject to vacancy, eligibility, and other applicable parameters. This Court finds no ground to hold that the said view is untenable on the face of the record.

10. What the present petition, in substance, seeks is a second judicial review of the same transfer after the earlier petition was disposed of with limited protection and a clear direction as to joining. That course is not open. The challenge is misconceived and amounts to an impermissible attempt to reopen an issue which already stands concluded between the parties.

11. No case for interference under Article 226 is made out.

12. The petition is dismissed, along with pending applications.

SANJEEV NARULA, J

MARCH 19, 2026

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¹ *State of U.P. & Ors. v. Gobardhan Lal* (2004) 11 SCC 402; *UOI v. S.L. Abbas* (1993) 4 SCC 357.