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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**W.P.(C) 6640/2026, CM APPL. 32679/2026 & CM APPL.
32680/2026**

SURESH KUMAR

.....Petitioner

Through: Ms. Mandavi Tripathi, Mr
Sunjeet Mishra, Mr Kunal
Shahi, Mr. Chandan, Ms Mansi
Singh, Ms Hema Kumari, Ms
Shivani & Mr Anurag Kumar,
Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Neeraj (SPC), Mr.
Soumyadip Chakraborty, Mr.
Jitendra Kumar Mishra (BSF)
for UOI.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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14.05.2026

1. Through this Writ Petition, the Petitioner calls in question his transfer order passed on 03.02.2026.
2. The Petitioner claims that his wife cannot go to Assam and she is suffering from Chronic Suppurative Otitis Media (CSOM) and is undergoing continuous medical treatment at Delhi-based institutions and his presence is indispensable for her care.
3. Learned counsel representing the Respondent has submitted that the Petitioner's request has been examined and it has been found that the Petitioner's wife stays in Haryana (home town) and CSOM is a not a serious medical condition and is a treatable disease, which can be



treated in any hospital of the country having EN&T OPD.

4. 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 and evidently, the Petitioner has failed to make out case for interference.

5. Accordingly, the Petition is dismissed. Pending applications also stands disposed of.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

MAY 14, 2026
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