RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 26591/2026
CNR: RJHC011086032026 | URN: CW / 46098U / 2026

Rajasthan High Court
सत्यमेव जयते
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Gaurav S/o Leelaram, Aged About 26 Years, R/o Jeelota, PO Ismailpur District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Revenue, Govt. Of Rajasthan, Secretariat, Jaipur
2. The Registrar, Board Of Revenue, Rajasthan, Ajmer.
3. The District Collector And District Election Officer, Rajsamand.
4. The District Collector, Khairthal-Tijara.

----Respondents

For Petitioner(s) : Mr. Hansraj Nimbar
For Respondent(s) : Ms. Neelam Sharma, AGC

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

02/11/2026

1. Having heard learned counsel for the parties and perused the material available on record, this Court proceeds to examine the controversy involved in the present writ petition.

2. The petitioner, upon being selected for the post of Junior Assistant, was posted at the Office of District Election Officer, Rajsamand where he was serving as a probationer. During the probation period, vide order dated 10.07.2026 (Annexure-1) issued by the Registrar, Board of Revenue, Rajasthan, Ajmer, he was transferred from the Office of District Election Officer, District

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Rajsamand to the office of District Election Officer District Khairthal-Tijara.

3. Despite issuance of the aforesaid transfer order, the petitioner was not relieved by the respondents on the ground that Note No. 3 appended to the transfer order stipulated that an employee who was either under suspension or undergoing probation would not be relieved to join at the transferred place of posting.

4. Learned counsel for the petitioner contended that the aforesaid condition is ex facie arbitrary and unreasonable. It was submitted that no provision under the Rajasthan Service Rules, 1951, prohibits the transfer of an employee merely because such employee is undergoing probation. Therefore, the respondents could not deny the petitioner the benefit of the transfer order solely on the ground of his probationary status.

5. In support of his submissions, learned counsel for the petitioner placed reliance upon the judgment rendered by the Hon'ble Division Bench of this Court in ***'Govind v. State of Rajasthan & Ors., D.B. Special Appeal (Writ) No. 1180/2026',*** decided on 01.10.2026.

6. *Per contra*, learned counsel for the respondents vehemently opposed the submissions advanced on behalf of the petitioner. It was submitted that, in view of the specific stipulation contained in Note No. 3, a probationer-trainee is not entitled to be relieved for joining at the transferred place of posting. Since the petitioner is admittedly undergoing probation, he cannot claim a right to be relieved from his present place of posting. Learned counsel further submitted that transfer and posting of an employee fall within the

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domain of the employer and that no employee can claim posting at a particular place as a matter of right.

7. Learned counsel for the respondents, therefore, prayed for dismissal of the writ petition and placed reliance upon the judgment rendered by a Co-ordinate Bench of this Court in ***'Ram Swaroop v. State of Rajasthan & Ors., S.B. Civil Writ Petition No.15536/2026,'*** decided on 07.08.2026.

8. This Court has considered the rival submissions and examined the judgments relied upon by the parties. The controversy involved in the present writ petition is covered by the judgment rendered by the Hon'ble Division Bench in ***Govind (supra)***, wherein it was held that, in the absence of any statutory prohibition against transferring an employee during the probation period, the respondent authorities cannot impose a condition de hors the applicable rules. The Hon'ble Division Bench further observed that the Rajasthan Service Rules, 1951, do not prohibit the transfer of a probationer from one place of posting to another.

9. In view of the aforesaid legal position, the mere fact that the petitioner is undergoing probation cannot, in the absence of an applicable statutory prohibition, constitute a valid ground for withholding his relieving pursuant to a duly issued transfer order. Consequently, the condition contained in Note No. 3, insofar as it prohibits the relieving of a probationer solely on account of his probationary status, cannot be sustained in the facts of the present case.

10. Accordingly, in view of the judgment rendered in ***Govind (supra)***, the present writ petition deserves to be allowed and is hereby allowed.

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11. The competent authority at the office of District Election Officer, District Rajsamand is directed to forthwith relieve the petitioner to enable him to join at the office of District Election Officer, District Khairthal-Tijara, pursuant to the transfer order dated 10.07.2026 (Annexure-1).

12. Upon the petitioner reporting for duty, the competent authority at the office of District Election Officer, Khairthal-Tijra shall accept his joining report in accordance with the aforesaid transfer order.

(KULDEEP MATHUR),J

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