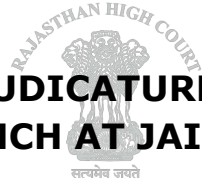




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No.21133/2026

CNR: RJHC021008892026 | URN: CW / 44252U / 2026

Manoj Kumar Gupta S/o Shri Prahlad Gupta, Aged About 49 Years, R/o 35, Pashupatinath Nagar, Pratap Nagar, Jaipur, At Present Posted Senior Ayurved Compunder At Govt. Ayurved Aushdhalay, Totauli Jaipur And At Present R.u.h.s. Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Deputy Secretary, Ayush Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Additional Director (Administret), Department Of Ayurved, Ajmer, Rajasthan.

----Respondents

connected with

S.B. Civil Writ Petition No.20114/2026

CNR: RJHC020870782026 | URN: CW / 41990U / 2026

Ashok Kumar S/o Shri Ganpat Ram, Aged About 50 Years, R/o Ward No. 08, Nangaliya Gujarwas, District Jhunjhunu Presently Working On The Post Of Teacher Level-2 (Social Studies) In Govt. Upper Primary School Modi, Tehsil Khetri, District Jhunjhunu.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Rural Development And Panchayari Raj Department, Govt. Of Rajsthan, Secretraiat, Jaipur.
2. Director, Elementary Education, Rajasthan, Bikaner.
3. Chief District Education Officer, Smagra Education, Jhunjhunu.
4. Chief Block Education Officer, Smagra Education, Khetri District Jhunjhunu.

----Respondents



S.B. Civil Writ Petition No.19794/2026

CNR: RJHC020886722026 | URN: CW / 41344U / 2026

Vinod Gehlot S/o Late Sh. Dev Krishna Tailor, Aged About 53 Years, R/o 72, Swami Nagar, Tekri Madari, Link Road, Udaipur, Rajasthan, Presently R/o Opposite D.j. Court, Baran

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Revenue Department, Govt. Secretariat, Jaipur.
2. The Chairman, Board Of Revenue, Rajasthan, Ajmer.
3. The Registrar, Board Of Revenue, Rajasthan, Ajmer.
4. The District Collector, Baran.
5. The District Collector, Udaipur

----Respondents

S.B. Civil Writ Petition No.20174/2026

CNR: RJHC020961972026 | URN: CW / 42089U / 2026

Manoj Kumar Kulhari S/o Jawahar Singh, Aged About 44 Years, R/o Bajor Road, Ward No. 12, Piprali, Sikar, (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Animal Husbandry Department, Govt. Of Rajasthan, Secretariat, Jaipur (Raj.)
2. Director, Animal Husbandry Department, Rajasthan, Jaipur (Raj.)
3. Joint Director, Animal Husbandry Department, Sikar.
4. Sanwar Mal Samota, Livestock Inspector, Now Posted In Place Of The Appellant In Sub- Centre Purohit Ka Bass, Sikar.

----Respondents

For Petitioner(s) : Mr. Pushpendra Kumar Pandey with



Mr. N.S. Gurjar
Mr. Nem Singh Gurjar
Mr. Pankaj Choudhary
Mr. Bhawani Singh
Mr. Ritesh Kumawat
Mr. Ram Pratap Saini

For Respondent(s) : Ms. Chelsi Agarwal



JUSTICE ANOOP KUMAR DHAND

Order

15/10/2026

Reportable

1. Since common questions of law and facts are involved in this batch of writ petitions assailing transfer orders, hence, with the consent of counsel for the parties, all these writ petitions are being decided together by this common order.
2. The petitioners have challenged their transfer orders on various grounds.
3. This Court has heard learned counsel for the parties and perused the material available on record.
4. It is settled proposition of law that transfer is an incidence of service. No employee has a vested right to remain posted at a particular place of his choice. It is for the employer or the competent authority to decide as to where and how its employees are to be posted, considering the administrative exigencies, public interest and smooth functioning of the administration.
5. The Government or the competent authority can transfer its employees anywhere on account of administrative exigencies. No one can claim immunity from transfer and no one can claim that he should not be transferred or should be kept at a particular



place of posting till eternity. Long stay at a particular place cannot be claimed as a matter of right.

6. The Hon'ble Apex Court in the case of **Shilpi Bose & Ors. Vs. State of Bihar** reported in **AIR 1991 SC 532** has held that transfer orders should not be interfered with normally by Courts and Tribunals.

7. This Court is constrained to observe that there is a flood of writ petitions assailing the transfer orders. Government functioning is paralysed because each and every employee is not willing to join the transferred place of posting. Maximum number of employees are approaching this Court and the Rajasthan Civil Services Appellate Tribunal (for short, 'the Tribunal') for getting their transfer orders stayed and cancelled on one pretext or the other, thereby bringing the administrative machinery to a standstill.

8. It is to be noted that the transfer orders of government employees are ordinarily challenged before the Tribunal and thereafter before this Court, in case, the appeal submitted by the employees before the Tribunal are rejected.

9. The jurisdiction of this Court under Article 226 of the Constitution of India is not to act as a second appellate authority over the transfer orders passed by the competent authority or by the Appellate Tribunal.

10. The writ jurisdiction under Article 226 of the Constitution of India is extraordinary and discretionary. This Court cannot sit as a court of appeal over the transfer orders to examine whether the transfer is convenient or not.



11. The scope of judicial review in transfer matters is very limited. A transfer order can be assailed in the rarest of rare cases only on the following grounds:-

(i) If the transfer order has been passed due to malafide/malice or bias, which is required to be specifically pleaded and proved with cogent material;

(ii) If there is violation of any statutory provisions/Rule having statutory force;

(iii) If the transfer order has been passed by an authority which is not competent to pass such order; and

(iv) If the extreme case of hardship to life threatening disease effecting the service conditions, in rarest of the rare cases.

12. No other ground can be a valid ground for interference. Personal inconvenience, hardship, long stay, etc. are for the authorities to consider and not for the Courts.

13. In the present batch of writ petitions, none of the aforesaid grounds for judicial review are made out.

14. However, to balance the equity and to ensure that genuine grievances, if any, are not left unaddressed, this Court in the interest of justice, deems it just and appropriate to grant liberty to the petitioners to approach the competent authority by way of filing appropriate representation.

15. Accordingly, all these writ petitions stand disposed of with the following directions:-

(a) The petitioners are granted liberty to file a detailed representation before their competent authority/respondents ventilating their grievances



against their transfer orders, within a period of two weeks from today; and

(b) on such representations being filed, the competent authority shall consider and decide the same expeditiously, as early as possible, preferably within a period of two weeks thereafter, by passing a reasoned and speaking order in accordance with law.

16. For a period of four weeks from today, all the transfer orders impugned in these writ petitions shall be kept in abeyance and the petitioners shall not be compelled to relieve in pursuance thereof.

17. In case, the representations of the petitioners are rejected, the respondents shall be at liberty to proceed with the matter strictly in accordance with law and to give effect to the transfer orders and in case, any such person failed to join the respective transferred place in spite of rejection of his/her representation, appropriate disciplinary action would be taken against him/her.

18. It is made clear that this Court has not expressed any opinion on the merits of the case of either party. The authorities shall decide the representations independently without being influenced by this order.

19. Stay applications as well as all pending applications, if any, also stand disposed of.

20. This order shall not be effected upon those who have already joined their respective place of posting.

21. A copy of this order be placed in each connected file.

(ANOOP KUMAR DHAND),J

Karan